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REPORT OF THE CONFERENCE ON DISARMAMENT

APPENDIX I

VOLUME III

Texts of documents issued by the

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CONFERENCE ON DISARMAMENT

CD/1346
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REPORT OF THE AD HOC COMMITTEE ON A NUCLEAR TEST BAN TO THE CONFERENCE ON DISARMAMENT

I. INTRODUCTION

1. At its 695th plenary meeting on 3 February 1995, the Conference on Disarmament re-established the Ad Hoc Committee on a Nuclear Test Ban with the same mandate as in 1994 (CD/1238):

> "In the exercise of its responsibilities as the sole multilateral disarmament negotiating forum of the international community, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under item 1 of its agenda entitled 'Nuclear Test Ban', and to give priority to its work.
>
> The Conference directs the Ad Hoc Committee to negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security.
>
> Pursuant to its mandate, the Ad Hoc Committee will take into account all existing proposals and future initiatives, as well as the work of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events. The Conference requests the Ad Hoc Committee to establish the necessary working groups in order to carry forward effectively this negotiating mandate; these should include at least two working groups, one on verification and one on legal and institutional issues, which should be established in the initial stage of the negotiation, and any others which the Committee may subsequently decide upon.
>
> The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1994 session."

II. ORGANIZATION OF WORK AND DOCUMENTATION

2. At the 695th plenary meeting on 3 February 1995, the Conference on Disarmament appointed Ambassador Ludwik Dembinski of Poland as Chairman of the Ad Hoc Committee. Ms. Jenifer Mackby, Political Affairs Officer of the United Nations Centre for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

3. In accordance with the decision of the Conference adopted at its 603rd plenary meeting on 22 August 1991, the Ad Hoc Committee was open to all the non-member States invited by the Conference to participate in its work.

4. The Ad Hoc Committee held 26 meetings from 30 January 1995 to 6 September 1995. In addition, the Chairman conducted a number of informal consultations with delegations.

5. The following official documents dealing with a nuclear test ban were presented to the Conference:

- CD/1282, dated 3 October 1994, entitled "Letter dated 28 September 1994 from the Representative of Japan to the Conference on Disarmament addressed to the President of the Conference on Disarmament transmitting the text of an excerpt from the statement made by the Deputy Prime Minister and Minister for Foreign Affairs of Japan at the forty-ninth session of the United Nations General Assembly on 27 September 1994 relating to the proposal of a ceremony for signing a CTBT in Japan".

- CD/1284, dated 19 December 1994, entitled "Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament on its work during the period 28 November to 16 December 1994".

- CD/1292 (also issued as CD/NTB/WP.208), dated 1 February 1995, entitled "Letter dated 27 January 1995 from the Permanent Representative of India, in his capacity as coordinator of the Group of 21 on the item 'Nuclear Test Ban', addressed to the President of the Conference on Disarmament transmitting the text of a working paper entitled 'Statement of the Group of 21 in the Ad Hoc Committee on a Nuclear Test Ban on 16 December 1994'".

- CD/1296, dated 7 March 1995, entitled "Progress report to the Conference on Disarmament on the fortieth session of the Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events".

- CD/1297, dated 10 March 1995, entitled "Letter dated 8 March 1995 from the Deputy Permanent Representative of Canada addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting five compendia of documents of the Conference on Disarmament to support the negotiation process on a Comprehensive Test Ban Treaty (CTBT)".

- CD/1310 (also issued as CD/NTB/WP.236), dated 7 April 1995, entitled "Letter dated 7 April 1995 from the Permanent Representative of India addressed to the President of the Conference on Disarmament transmitting the text of the statement of the Group of 21 on the CTBT negotiations".

- CD/1314, dated 31 May 1995, entitled "Note verbale dated 30 May 1995 from the Permanent Mission of Argentina addressed to the Secretariat of the Conference on Disarmament forwarding a statement by the Government of Argentina issued following the explosion of a nuclear device by China on 15 May 1995".

- CD/1315, dated 2 June 1995, entitled "Letter dated 1 June 1995 from the Permanent Representative of the United States of America to the Conference addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of a statement by the Press Secretary, issued by the Office of the Press Secretary of the White House on 15 May 1995, concerning an underground nuclear test conducted by China".

- CD/1316, dated 7 June 1995, entitled "Note verbale dated 1 June 1995 from the Permanent Mission of Turkey addressed to the Secretariat of the Conference on Disarmament transmitting a statement made by the Minister for Foreign Affairs of Turkey on 17 May 1995 concerning the Chinese nuclear explosion on 15 May 1995".

- CD/1317, dated 7 June 1995, entitled "Note verbale dated 6 June 1995 from the Permanent Mission of the Russian Federation addressed to the Secretariat of the Conference on Disarmament transmitting a statement made by a Representative of the Russian Ministry of Foreign Affairs on 15 May 1995 in connection with a new nuclear test conducted by China".

- CD/1318, dated 8 June 1995, entitled "Note verbale dated 7 June 1995 from the Permanent Mission of New Zealand addressed to the Secretariat of the Conference on Disarmament transmitting the text of the response of the New Zealand Government and people to the underground nuclear weapon test conducted by China on 15 May 1995 at Lop Nor".

- CD/1319, dated 15 June 1995, entitled "Letter dated 14 June 1995 from the Permanent Representative of Belgium to the Conference addressed to the Secretary-General of the Conference transmitting the text of the statement by Belgium concerning the Chinese nuclear explosion of 15 May 1995".

- CD/1320, dated 15 June 1995, entitled "Note verbale dated 15 June 1995 from the Permanent Mission of New Zealand addressed to the Secretariat of the Conference on Disarmament transmitting the text of a statement by the New Zealand Prime Minister, the Rt. Hon. Jim Bolger, to the New Zealand Parliament on 14 June 1995 concerning the decision of the Government of France to resume nuclear weapon testing on Mururoa Atoll in the South Pacific".

- CD/1322, dated 19 June 1995, entitled "Letter dated 16 June 1995 from the Permanent Representative of the United States of America to the Conference addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of a statement by the Press Secretary, issued by the Office of the Press Secretary of the White House on 13 June 1995, concerning the decision of France to resume nuclear testing".

- CD/1323, dated 19 June 1995, entitled "Letter dated 16 June 1995 from the Permanent Representative of Chile addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of a statement made by the Government of Chile on the resumption of French nuclear tests".

- CD/1324, dated 19 June 1995, entitled "Letter dated 15 June 1995 from the Permanent Representative of Indonesia addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a press release from the Department of Foreign Affairs of the Republic of Indonesia expressing the position of the Indonesian Government on the decision taken by the French Government to resume nuclear weapon tests".

- CD/1325, dated 20 June 1995, entitled "Letter dated 16 June 1995 from the Permanent Representative of Australia to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the current Chairman of the South Pacific Forum, the Australian Prime Minister, the Honourable P.J. Keating

MP, issued on 15 June 1995, concerning the resumption of nuclear testing by France".

- CD/1326, dated 21 June 1995, entitled "Note verbale dated 20 June 1995 from the Permanent Mission of Peru addressed to the Secretariat of the Conference on Disarmament transmitting the text of an official communication concerning the decision taken by the French Government to resume nuclear weapon tests in the South Pacific".

- CD/1328, dated 27 June 1995, entitled "Note verbale dated 26 June 1995 from the Permanent Mission of Ecuador addressed to the President of the Conference on Disarmament transmitting the text of a declaration by the Rio Group issued on 22 June 1995 concerning the decision of the French Government to resume nuclear-weapon tests".

- CD/1329 (also issued as CD/NTB/WP.248), dated 30 June 1995, entitled "Statement of the Group of 21 on a Nuclear Test Ban".

- CD/1330, dated 30 June 1995, entitled "Note verbale dated 29 June 1995 from the Permanent Delegation of France to the Conference on Disarmament addressed to the Secretariat, transmitting the text of the statement by Ambassador Gerard Errera on 29 June in the Ad Hoc Committee on a Nuclear Test Ban".

- CD/1331, dated 30 June 1995, entitled "Letter dated 30 June 1995 from the Deputy Head of the Delegation of Sri Lanka to the Conference on Disarmament addressed to the Deputy Secretary-General of the Conference transmitting the text of the statement by the Head of Delegation at the 710th plenary meeting of the Conference on 29 June 1995 concerning the resumption of nuclear testing by certain nuclear weapon States".

- CD/1332, dated 30 June 1995, entitled "Note verbale dated 26 June 1995 from the Permanent Mission of Mexico addressed to the Secretariat of the Conference on Disarmament transmitting the text of a press release from the Ministry of Foreign Relations of the Government of Mexico concerning the decision by the Government of France to resume nuclear tests".

- CD/1333, dated 30 June 1995, entitled "Letter dated 29 June 1995 from the Acting Head of the Australian Delegation to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the text of a statement by the Australian Prime Minister, the honourable P.J. Keating MP concerning the resumption of nuclear testing by France".

- CD/1334, and corr. 1, dated 30 June 1995, entitled "Note verbale dated 27 June 1995 from the Permanent Mission of Mexico addressed to the Secretariat of the Conference on Disarmament transmitting the text of the declaration by the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) concerning France's resumption of nuclear testing in the South Pacific".

- CD/1337, dated 13 July 1995, entitled "Letter dated 11 July 1995 from the Permanent Representative of the Philippines addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the President of the Philippines, His Excellency Fidel V. Ramos, concerning the decision of the Government of France to resume nuclear tests in the South Pacific".

- CD/1338, dated 10 August 1995, entitled "Letter dated 9 August 1995 from the Permanent Representative of Ukraine addressed to the President of the Conference on Disarmament transmitting the text of a statement by the Ministry of Foreign Affairs of Ukraine concerning France's decision to resume nuclear testing".

- CD/1340, dated 17 August 1995, entitled "Letter dated 17 August 1995 from the Permanent Representative of the United States of America to the Conference addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of a statement by the President of the United States made on 11 August 1995 concerning United States nuclear testing policy and a White House fact sheet issued also on 11 August 1995 concerning United States CTBT safeguards".

- CD/1342, dated 24 August 1995, entitled "Note verbale dated 22 August 1995 from the Permanent Mission of Chile addressed to the Secretariat of the Conference on Disarmament transmitting an official communique issued by the Ministry of Foreign Affairs of Chile on 19 August 1995 condemning the nuclear explosion conducted recently by China".

- CD/1343, dated 28 August 1995, entitled "Letter dated 24 August 1995 from the Permanent Representative of the United States of America to the Conference addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of a statement by the Press Secretary of the White House on 17 August 1995 concerning the nuclear test conducted by China on that day".

- CD/1344, dated 28 August 1995, entitled "Letter dated 22 August 1995 from the Permanent Representative of the Philippines addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the President of the Philippines, His Excellency Fidel V. Ramos, concerning the recent Chinese nuclear test".

6. In addition, the following working papers were presented to the Ad Hoc Committee:

- CD/NTB/WP.183, dated 25 November 1994, submitted by the delegation of New Zealand, entitled "Comments on the components of a CTBT International Monitoring System".

- CD/NTB/WP.184, dated 30 November 1994, submitted by the delegation of the United States of America, entitled, "U.S. proposal for the International Monitoring System for the Comprehensive Test Ban Treaty".

- CD/NTB/WP.185, dated 30 November 1994, submitted by the delegation of Canada, entitled "A proposed International Monitoring System (IMS) for CTBT Verification".

- CD/NTB/WP.186, dated 30 November 1994, submitted by the delegation of Australia, entitled "Components of an International Monitoring System (IMS) for CTBT Verification".

- CD/NTB/WP.187 and Corr.1 (Russian only) and Corr.2, dated 30 November 1994, submitted by the delegation of the Russian Federation, entitled "Proposals by the Russian Federation for a CTBT International Monitoring System".

- CD/NTB/WP.188 and Corr.1, dated 30 November 1994, submitted by the delegation of China, entitled "Establishment of a global satellite monitoring system".

- CD/NTB/WP.189, dated 1 December 1994, submitted by the delegation of the Islamic Republic of Iran, entitled "Answers to the questionnaire on non-seismic methods: Working Paper by a Friend of the Chair (CD/NTB/WP.136)".

- CD/NTB/WP.190, dated 1 December 1994, submitted by the delegation of Israel, entitled "Health and safety during on-site inspection: Proposed Treaty Language for the Protocol".

- CD/NTB/WP.191, dated 1 December 1994, submitted by the delegation of Israel, entitled "Confidentiality during on-site inspection: Proposed Treaty Language for the Protocol".

- CD/NTB/WP.192, dated 2 December 1994, submitted by the delegation of the United States of America, entitled "U.S. approach for the Comprehensive Test Ban Treaty: International Data Center".

- CD/NTB/WP.193, dated 5 December 1994, submitted by the delegation of Israel, entitled "The Organization: Remarks to CD/1273/Rev.1 of 5 September 1994".

- CD/NTB/WP.194, dated 6 December 1994, submitted by the Chairman of the Working Group on Verification, entitled "Working Group 1 - Verification, Chairman's Working Paper: Components of an International Monitoring System (IMS) for CTBT Verification".

- CD/NTB/WP.195, dated 12 December 1994, submitted by the delegation of Australia, entitled "Preliminary Event Identification (PEI) and CTBT Verification: Progress Report on Ongoing Australian National Research and Development Work".

- CD/NTB/WP.196 and Corr.1, dated 12 December 1994, submitted by a Friend of the Chair, entitled "Working Group 2 - Legal and Institutional Issues, Working Paper by a Friend of the Chair: Organization".

- CD/NTB/WP.197, dated 9 December 1994, submitted by the Joint Informal Group, entitled "Working Groups I and II: Recommendations of the Joint Informal Group on the International Data Centre (IDC)".

- CD/NTB/WP.198, dated 15 December 1994, submitted by a Friend of the Chair, entitled "Report of the Group of Experts on On-Site Inspection to Working Group 1 on Verification: On-Site Inspection for the Comprehensive Test Ban Treaty: Phenomena, Technology, OSI Examples, Costs".

- CD/NTB/WP.199, dated 14 December 1994, submitted by the delegation of the Russian Federation, entitled "The use of aircraft for detecting radioactive products in radioactivity monitoring".

- CD/NTB/WP.200 (English only), dated 16 December 1994, entitled "Draft Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament on its work during the period 28 November to 16 December 1994".

- CD/NTB/WP.201, dated 16 December 1994, submitted by the delegation of the Islamic Republic of Iran, entitled "Components of a CTBT International Monitoring System".

- CD/NTB/WP.202, dated 16 December 1994, submitted by the delegation of Israel, entitled "Measures to Ensure Compliance: Remarks to CD/1273/Rev.1 of 5 September 1994".

- CD/NTB/WP.203 and Corr.1, dated 16 December 1994, submitted by the Chairman of Working Group 1, entitled "Working Group 1 - Verification, Chairman's Working Paper: Continuation of Expert Work".

- CD/NTB/WP.204, dated 16 December 1994, submitted by the delegation of Israel, entitled "Access Regime: Proposed Treaty language for the Protocol".

- CD/NTB/WP.205, dated 16 December 1994, submitted by the delegation of Israel, entitled "Verification Regime: Remarks to CD/1273/Rev.1 of 5 September 1994".

- CD/NTB/WP.206, dated 9 January 1995, submitted by the delegation of Peru, entitled "Monitoring of a comprehensive nuclear-test-ban treaty: Peruvian experience and prospects for participation by Peru".

- CD/NTB/WP.207, dated 9 January 1995, submitted by the delegation of Romania, entitled "Romanian views on working paper CD/NTB/WP.181 'Illustration of possible networks of sensors to detect, locate and identify explosions underground, underwater and in the atmosphere based on the reports of experts' and United States Working Paper 'United States approach for the comprehensive test-ban treaty international data centre'".

- CD/NTB/WP.208, (also issued as CD/1292).

- CD/NTB/WP.209, dated 7 February 1995, submitted by the Chairman of the Ad Hoc Committee, entitled "Organization of Work for the 1995 Session".

- CD/NTB/WP.210, dated 8 February 1995, submitted by the delegation of Australia, entitled "Funding the costs of the Comprehensive Test Ban Treaty".

- CD/NTB/WP.211 and Corr. 1 (English only), dated 10 February 1995, submitted by the delegation of France, entitled "Detection network for atmospheric radiation from nuclear tests".

- CD/NTB/WP.212, dated 13 February 1995, submitted by the delegation of China, entitled "Infrasound Monitoring System for CTBT".

- CD/NTB/WP.213 and Corr. 1, dated 13 February 1995, submitted by the delegation of China, entitled "Establishment of a Global Atmospheric Radionuclide Monitoring System".

- CD/NTB/WP.214, dated 13 February 1995, submitted by the delegation of Canada, entitled "A Canadian Approach to Evaluating a Global Radionuclide Network".

- CD/NTB/WP.215, dated 14 February 1995, submitted by the delegation of France, entitled "Infrasound Monitoring System: Main Features".

- CD/NTB/WP.216, Rev.1 and 2 (English only) dated 15 February 1995, submitted by the Chairman of the Working Group on Legal and Institutional Issues, entitled "Working Group 2 - Legal and Institutional Issues: Indicative timetable of meetings during the first part of the 1995 CD-session".

- CD/NTB/WP.217 and Corr.1, dated 20 February 1995, submitted by the delegation of China, entitled "Establishment of a Global Electromagnetic Pulse Monitoring System".

- CD/NTB/WP.218 (English only) dated 20 February 1995, submitted by the Chairman of the Working Group on Verification, entitled "Working Group 1 - Verification: Indicative timetable for meetings 15 February - 6 March 1995".

- CD/NTB/WP.219, dated 27 February 1995, submitted by the delegation of China, entitled "Establishment of a Global Seismic Monitoring System."

- CD/NTB/WP.220, dated 1 March 1995, submitted by the delegation of France, entitled "Recommended series of steps for establishing a radiological network to detect nuclear explosions in the atmosphere".

- CD/NTB/WP.221, dated 9 March 1995, submitted by the delegation of the Slovak Republic, entitled "National/international radioactive/radiation monitoring: The status of existing monitoring systems in Slovakia".

- CD/NTB/WP.222, dated 9 March 1995, submitted by the delegation of Australia, entitled "Draft Article on Scope".

- CD/NTB/WP.223, dated 13 March 1995, submitted by the delegation of Australia, entitled "Making CTBT verification information accessible: incorporation of automated preliminary event identification into international data centre bulletins".

- CD/NTB/WP.224, dated 16 March 1995, submitted by the Chairman of the International Monitoring System Expert Group, entitled "Working Group 1 - Verification: International Monitoring System Expert Group Report based on Technical Discussions held from 6 February to 3 March 1995."

- CD/NTB/WP.225, dated 13 March 1995, submitted by the Chairman of the International Monitoring System Expert Group, entitled "Working Group 1 - Verification: International Monitoring System Expert Group, Chairman's Paper".

- CD/NTB/WP.226, dated 21 March 1995, submitted by the delegation of India, entitled "A possible approach in developing a network for the International Monitoring System for monitoring hydroacoustic signals".

- CD/NTB/WP.227, dated 23 March 1995, submitted by the delegation of France, entitled "Concrete proposals relating to evaluation of the international monitoring system".

- CD/NTB/WP.228, dated 27 March 1995, submitted by the delegation of Germany, entitled "Future work for establishing an International Monitoring System (IMS)".

- CD/NTB/WP.229, dated 27 March 1995, submitted by the delegation of Germany, entitled "Hydroacoustic monitoring: Deployment and recovery of moored buoys by research vessels".

- CD/NTB/WP.230, dated 31 March 1995, submitted by the delegation of Australia, entitled "Mining explosions in Australia and CTBT verification".

- CD/NTB/WP.231, dated 31 March 1995, submitted by the delegation of Australia, entitled "Chemical explosions: Some implications for CTBT verification drawing on Australian experience".

- CD/NTB/WP.232, dated 31 March 1995, submitted by the delegation of Australia, entitled "The identification of Australian mining explosions: A study of spectral characteristics".

- CD/NTB/WP.233, dated 31 March 1995, submitted by the delegation of Canada, entitled "The Comprehensive Test Ban Treaty and large chemical explosions".

- CD/NTB/WP.234, dated 4 April 1995, submitted by the delegation of Ukraine, entitled "Observations on document CD/1273/Rev.1 of 5 September 1994".

- CD/NTB/WP.235, dated 10 April 1995, entitled "Rolling text of the Treaty".

- CD/NTB/WP.236 (also issued as CD/1310).

- CD/NTB/WP.237, (English only) dated 31 May 1995, submitted by the Chairman of the Working Group on Legal and Institutional Issues, entitled "Working Group 2 - Legal and Institutional Issues: Indicative timetable of meetings during the second part of the 1995 CD session".

- CD/NTB/WP.238, dated 9 June 1995, submitted by the delegation of the United States of America, entitled "U.S. Approach to On-site Inspection".

- CD/NTB/WP.239, dated 9 June 1995, submitted by the delegation of the United States of America, entitled "U.S. Draft Language on On-site Inspection Provisions for the Rolling Text of the Treaty".

- CD/NTB/WP.240, dated 12 June 1995, submitted by the delegation of China, entitled "Proposed Wording for the CTBT Article on 'Relation to Other International Agreements'".

- CD/NTB/WP.241, dated 14 June 1995, submitted by the delegation of Indonesia, entitled "Answers to the International Monitoring (IMS) Radionuclide Network Questionnaire".

- CD/NTB/WP.242, dated 16 June 1995, submitted by the delegation of Austria, entitled "Draft Treaty Language on Provisional Application".

- CD/NTB/WP.243, dated 29 June 1995, submitted by the delegation of Indonesia, entitled "Draft Article on Scope".

- CD/NTB/WP.244, dated 29 June 1995, submitted by the delegation of India, entitled "Draft Article on Scope".

- CD/NTB/WP.245, dated 29 June 1995, submitted by the delegation of the Russian Federation, entitled "Replies to the questions on the International Monitoring System in the Expert Group Chairman's Paper (CD/NTB/WP.225)".

- CD/NTB/WP.246, dated 29 June 1995, submitted by the delegation of the Russian Federation, entitled "Responses to the questions of 3 April 1995 from the Chairman of the Working Group on Verification of the Ad Hoc Committee on a Nuclear Test Ban concerning the radionuclide monitoring system".

- CD/NTB/WP.247, dated 29 June 1995, submitted by the delegation of Canada, entitled "A Canadian response to the questions raised in the report presented by the International Monitoring System Chairman on 13 March 1995".

- CD/NTB/WP.248, (also issued as CD/1329).

- CD/NTB/WP.249, dated 30 June 1995, submitted by the delegation of the Russian Federation, entitled "On-site inspections under a CTBT: The Russian Federation's approach".

- CD/NTB/WP.250, dated 7 July 1995, submitted by the delegation of the United States of America, entitled "U.S. Position on 'Associated Measures'".

- CD/NTB/WP.251, dated 6 July 1995, submitted by the delegation of Israel, entitled "Supplementary Monitoring Data from Co-operating National Facilities".

- CD/NTB/WP.252, dated 6 July 1995, submitted by the delegation of Sweden, entitled "Why Noble Gas Monitoring in the IMS?".

- CD/NTB/WP.253, dated 10 July 1995, submitted by the delegation of the United States of America, entitled "Basic U.S. Principles for an Effective OSI Regime".

- CD/NTB/WP.254 (English only), dated 7 July 1995, submitted by the Chairman of the Working Group on Legal and Institutional Issues, entitled "Working Group 2 - Legal and Institutional Issues: Indicative timetable of meetings during the third part of the 1995 CD session".

- CD/NTB/WP.255, dated 10 July 1995, entitled "Rolling text of the Treaty".

- CD/NTB/WP.256, dated 10 August 1995, submitted by the delegation of the United States of America, entitled "The International Monitoring System (IMS): Funding and Architecture".

- CD/NTB/WP.257, dated 18 August 1995, submitted by the delegation of the United States of America, entitled "Draft Provisions on CTBT Funding".

- CD/NTB/WP.258, dated 22 August 1995, submitted by the delegation of the Ukraine, entitled "Proposal for possible inclusion under international co-operative measures".

- CD/NTB/WP.259, dated 24 August 1995, submitted by the delegation of Japan, entitled "The IMS Architecture".

- CD/NTB/WP.260, dated 23 August 1995, submitted by the delegation of Italy, entitled "Replies to the questions on the International Monitoring System raised in the Expert Group Chairman's Paper (CD/NTB/WP.225)".

- CD/NTB/WP.261, dated 25 August 1995, submitted by the delegation of Australia, entitled "Design of a global infrasound monitoring network".

- CD/NTB/WP.262, dated 28 August 1995, submitted by the delegation of the United States of America, entitled "Focused Infrasonic Network for Monitoring Remote Ocean Areas".

- CD/NTB/WP.263, dated 28 August 1995, submitted by the delegation of Brazil, entitled "Replies to Questions Raised in the Report by the Chairman of the Group of Experts on the International Monitoring System (Doc. CD/NTB/WP.225)".

- CD/NTB/WP.264 and Corr.1, dated 29 August 1995, submitted by the delegation of France, entitled "Synergy between hydroacoustics and coastal or island seismology".

- CD/NTB/WP.265 (English only), dated 4 September 1995, entitled "Draft report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament".

- CD/NTB/WP.266, dated 5 September 1995, submitted by the delegation of China, entitled "Chinese Position on CTBT On-Site Inspection".

- CD/NTB/WP.267, dated 5 September 1995, submitted by the delegation of China, entitled "Further Views on a Global EMP Monitoring System".

- CD/NTB/WP.268, dated 5 September 1995, submitted by the delegation of China, entitled "The Question of Including Noble Gas Monitoring Capacity in the Atmospheric Radionuclide Monitoring Network".

III. SUBSTANTIVE WORK DURING THE 1995 SESSION

7. In accordance with its mandate, the Ad Hoc Committee continued the negotiation of the treaty. In discharging its mandate, the Ad Hoc Committee decided to establish the following two Working Groups:

(a) Working Group 1: Verification
(Chairman: Ambassador Lars Norberg, Sweden)

(b) Working Group 2: Legal and Institutional Issues
(Chairman: Ambassador Jaap Ramaker, The Netherlands)

8. In addition, nine Friends of the Chair and two Convenors were appointed to deal with the following specific issues in private and open-ended consultations:

For Working Group 1:

(a) "Technical Verification"
(Dr. Peter Marshall, Friend of the Chair, United Kingdom of Great Britain and Northern Ireland)

(b) "International Monitoring System"
(Mr. Patrick Cole, Friend of the Chair, Australia)

(c) "On-site inspection: Consultation and Clarification; Trigger Mechanism"
(Col. Klaus Arnhold, Friend of the Chair, Germany)

(d) "On-site inspection: Access Provisions; Time-lines"
(Mr. Victor S. Slipchenko, Friend of the Chair, Russian Federation)

(e) "On-site inspection: Report Writing; Follow-up action/Sanctions"
(Mr. Hamid Baidi-Nejad, Friend of the Chair, Iran)

(f) "Associated/Confidence-Building/Transparency Measures"
(Mr. Richard Ekwall, Friend of the Chair, Sweden)

(g) "Technical aspects of the International Data Centre"
(Dr. Ralph Alewine, Friend of the Chair, United States of America)

For Working Group 2:

(h) "Organization"
(Mr. Ajit Kumar, India
assisted by Mr. Donald Sinclair, Canada,
Ms. Magda Bauta Soles, Cuba and Mr. Navtej Singh Sarna, India)

(i) "Entry into Force"
(Dr. Stephan Keller, Friend of the Chair, Germany)

(j) "Preamble"
(Mr. Marshall Brown, Convenor, United States of America)

(k) "National Implementation Measures"
(Ms. Bronte Moules, Convenor, Australia)

10. Working Group 1 held 60 meetings. The Working Group made intensive efforts towards structuring and revising treaty language on the verification regime in the rolling text. The Friends of the Chair held informal consultations with delegations on relevant verification matters. An expert meeting was held during the first part of the session relating to the architecture of the International Monitoring System; during the third part of the session, the Working Group, with the participation of experts, continued work on narrowing options and specifying the number and location of monitoring stations. The Chairman of the Working Group presented to the Chairman of the Ad Hoc Committee revised draft language on provisions on verification issues for inclusion in Part 2 of the rolling text.

11. Working Group 2 held 35 meetings. It discussed the content of legal and institutional aspects of a nuclear test ban treaty. Following an extensive debate on each item, the treaty language was substantially revised and refined, in particular regarding the implementing Organization of the Treaty. In addition, the Friends of the Chair and Convenors held informal consultations with delegations on relevant legal and institutional issues. The Chairman of the Working Group presented to the Chairman of the Ad Hoc Committee revised draft language on provisions on legal and institutional issues for inclusion in Parts 1 or 2 of the rolling text, depending on their respective stages of development.

IV. CONCLUSIONS AND RECOMMENDATIONS

12. In accordance with its mandate, the Ad Hoc Committee on a Nuclear Test Ban worked intensively during the 1995 session and decided to include the results of its ongoing negotiations on the draft treaty in a rolling text which is contained in the Appendix of the report attached hereto. Part 1 of this Appendix represents the present stage of the elaboration of the provisions of the draft treaty which command a certain degree of consensus at this stage. Part 2 contains provisions which need more extensive negotiation.

13. The Ad Hoc Committee recommends to the Conference on Disarmament:

(a) that the Appendix to this report be used for further negotiation and drafting of the treaty;

(b) that other documents listed in paragraphs 5 and 6 above, together with other relevant and future documents of the Conference, also be utilized in the further negotiation and elaboration of the treaty;

(c) that expert work on the International Monitoring System will continue during the period 4 to 15 December 1995;

(d) that Ad Hoc Committee work, including meetings with full services, under the chairmanship of Ambassador Ludwik Dembinski, be continued during the period 8 to 19 January 1996;

(e) that the Ad Hoc Committee on a Nuclear Test Ban be re-established at the outset of the 1996 session of the Conference on Disarmament with its present mandate, with a view to completing the negotiations as soon as possible and no later than 1996.

APPENDIX

ROLLING TEXT OF THE TREATY

PART 1

MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

1. The Conference of the States Parties [and the Executive Council] 1/ shall take the necessary measures, as set forth in paragraphs 2, 3 and 4, to ensure compliance with the provisions of the Treaty and to redress and remedy any situation which contravenes the provisions of the Treaty. In considering action pursuant to this paragraph, the Conference of the States Parties [and the Executive Council] shall, as appropriate, take into account [information and recommendations on the issues submitted by the States Parties and the Executive Council, as well as information provided by the Technical Secretariat as requested by the Conference of the States Parties or the Executive Council].

2. In cases where a State Party has been requested by the Conference of the States Parties or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference of the States Parties [or the Executive Council] may, inter alia, decide, taking into account the information and recommendations submitted according to paragraph 1, to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference of the States Parties [or the Executive Council] decides otherwise.

3. In cases where [serious] damage to the object and purpose of this Treaty may result from non-compliance with the basic obligations of this Treaty, 2/ the Conference of the States Parties [or the Executive Council], [upon the recommendation of the Executive Council,] may recommend collective measures to States Parties in conformity with international law.

4. In cases of particular gravity, the Conference of States Parties[, or alternatively, if the case is also urgent, the Executive Council,] shall bring the issue, including relevant information and conclusions, to the attention of the General Assembly and the Security Council of the United Nations. 3/

1/ Any reference to the Executive Council in the text of the Treaty is without prejudice to the decision on the existence of the Executive Council within the Organization.

2/ A delegation has proposed adding "withdrawal of a nuclear-weapon State or a nuclear advanced State Party to the Treaty".

3/ A delegation has proposed replacing paragraphs 3 and 4 with the following: "In cases where a State Party has been found by the Executive Council to be in non-compliance with the basic obligations of the Treaty, the Executive Council shall bring the issue, including all relevant technical information and evidence, to the attention of the Security Council of the United Nations."

SETTLEMENT OF DISPUTES

1. Disputes that may arise concerning the application or the interpretation of this Treaty shall be settled in accordance with the relevant provisions of this Treaty and in conformity with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the application or interpretation of this Treaty, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Treaty and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council may contribute to the settlement of a dispute that may arise concerning the application or interpretation of this Treaty by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to seek a settlement through a process of their own choice, bringing the matter to the attention of the Conference of the States Parties and recommending a time-limit for any agreed procedure.

4. The Conference of the States Parties shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article ... .

5. The Conference of the States Parties and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article ... .

6. This Article is without prejudice to Article ... of this Treaty on Measures to Redress a Situation and Ensure Compliance, including Sanctions.

PRIVILEGES AND IMMUNITIES

1. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

2. Delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council, together with their alternates and advisers, the Director-General and the staff of the Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

3. The legal capacity, privileges and immunities referred to in this Article shall be defined in agreements between the Organization and the States Parties as well as in an agreement between the Organization and the State in which the headquarters of the Organization is seated. Such agreements shall be considered and approved in accordance with the Article on The Organization.

4. Notwithstanding paragraphs 1 and 2, the privileges and immunities enjoyed by the Director-General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Protocol to this Treaty.

SIGNATURE

This Treaty shall be open to all States for signature before its entry into force.

RATIFICATION

This Treaty shall be subject to ratification by signatory States according to their respective constitutional processes.

ACCESSION

Any State which does not sign this Treaty before its entry into force may accede to it at any time thereafter.

DEPOSITARY

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.

2. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.

3. The Depositary shall send duly certified copies of this Treaty to the Governments of the signatory and acceding States.

4. This Treaty shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

STATUS OF THE PROTOCOL(S) AND ANNEX(ES)

The Protocol(s) and Annex(es) to this Treaty form an integral part of the Treaty. Any reference to this Treaty includes the Protocol(s) and Annex(es).

AUTHENTIC TEXTS

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

NATIONAL IMPLEMENTATION MEASURES

1. Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty. In particular, it shall take any necessary measures:

(a) To prohibit [and prevent] natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Treaty;

(b) To prohibit [and prevent] natural and legal persons from undertaking any such activity anywhere under its control; and

(c) To prohibit [and prevent], in conformity with international law, natural [and legal] persons possessing its nationality from undertaking any such activity anywhere.

2. Each State Party shall co-operate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party shall inform the Organization of the measures taken pursuant to this Article.

4. In order to fulfil its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organization upon entry into force of the Treaty for such a State Party. The National Authority shall serve as the national focal point for liaison with the Organization and with other States Parties.

AMENDMENTS

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to this Treaty or the annexed Protocol. Any State Party may also propose changes, in accordance with paragraph 7, to the Protocol to this Treaty. [Such proposed amendments or changes should not be incompatible with the object and purpose of this Treaty.] Proposals for amendments shall be subject to the procedures in paragraphs 2, 3, 4, 5 and 6. Proposals for changes, in accordance with paragraph 7, shall be subject to the procedures in paragraph 8.

2. The proposed amendment shall be considered and adopted only by an Amendment Conference.

3. Any proposal for an amendment shall be communicated to the Director-General, who shall circulate it to all States Parties and the Depositary and seek the views of the States Parties on whether an Amendment Conference should be convened to consider the proposal. If [one-third or more] [a majority] of the States Parties notify the Director-General not later than 30 days after its circulation that they support further consideration of the proposal, the Director-General shall convene an Amendment Conference to which all States Parties shall be invited.

4. The Amendment Conference shall be held immediately following a regular session of the Conference unless all States Parties which support the convening of an Amendment Conference request that it be held earlier. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

5. Amendments shall be adopted by the Amendment Conference by a positive vote of a majority of the States Parties with no State Party casting a negative vote.

6. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all those States Parties casting a positive vote at the Amendment Conference.

7. In order to ensure the viability and effectiveness of this Treaty, (x,y,z..) provisions in the Protocol shall be subject to changes in accordance with paragraph 8, if the proposed changes are related only to matters of an administrative or technical nature. All other provisions of the Protocol shall not be subject to changes in accordance with paragraph 8.

8. Proposed changes referred to in paragraph 7 shall be made in accordance with the following procedures:

(a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

(b) No later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Treaty and its implementation and shall communicate any such information to all States Parties and the Executive Council;

(c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements in paragraph 7. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

(d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;

(e) If a recommendation of the Executive Council does not meet with the acceptance required under sub-paragraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 7, shall be taken as a matter of substance by the Conference at its next session;

(f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

(g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

PART 2

PREAMBLE

1. The States Parties to this Treaty (hereinafter referred to as "the States Parties"),

2. [Convinced that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and declaring their intention to take such measures,]

3. [Affirming that effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority, that the early realization of complete prohibition and thorough destruction of nuclear weapons is the common goal of the international community, and that to this end, it is imperative to remove the threat of nuclear weapons, to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and to take other measures to prevent nuclear war, to eliminate the danger of the threat or use of nuclear weapons, and to avoid the proliferation of nuclear weapons in all its aspects,]

4. [Reaffirming that all the nuclear-weapon States, in particular those which possess the most important nuclear arsenals, bear a special responsibility for the realization of thorough nuclear disarmament,]

5. Welcoming the international agreements and other positive measures of recent years in the field of nuclear disarmament, including [deep] reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects,

6. Underlining the importance of the full and prompt implementation of such agreements and measures,

7. [Stressing the need for further reductions of tactical and strategic nuclear weapons and their delivery systems, [so as to achieve the goals of complete prohibition and thorough destruction of nuclear arms at an early date,]]

8. [Urging all States, especially the nuclear-weapon States, soon to support or respond to the proposals or initiatives designed to secure the avoidance of the use of nuclear weapons and the prevention of nuclear war, and urging also the nuclear-weapon States to conclude as soon as possible international agreements on no threat or use of nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and on no-first-use of nuclear weapons against each other,]

9. Convinced that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty [within the framework of an effective nuclear disarmament process] that will attract the adherence of all States and will contribute to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear

disarmament and therefore to the enhancement of international peace and security,

10. Noting the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, [which are recalled in the Preamble to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons,]

11. [Believing that it is of great significance for the prevention of the proliferation of nuclear weapons in all its aspects that all the non-nuclear-weapon States join the Treaty on the Non-Proliferation of Nuclear Weapons and undertake not to acquire or develop nuclear weapons,]

12. Deeply convinced that, to contribute to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security, this Treaty should be universal, and urging all States to participate therein,

13. [Convinced that the implementation of this Treaty would contribute effectively to the protection of the environment,]

14. [Seeking international verification means which utilize to the extent possible existing systems of geophysical monitoring, and seeking to make the data acquired from the monitoring systems established pursuant to this Treaty available publicly for research on problems of broad international scientific interest,]

15. [Affirming that this Treaty seeks to achieve the discontinuance of all nuclear weapon test [explosions] and all other nuclear explosions as well as the discontinuance of all preparations immediately leading thereto,]

16. Have agreed as follows:

SCOPE

1. Each State Party undertakes [to prohibit, and to prevent, and] not to carry out, [at any place and] [in any environment,] any nuclear weapon test [explosion] [which releases nuclear energy], [or any other nuclear [test] [explosion]], [or any release of nuclear energy caused by the assembly or compression of fissile or fusion material by chemical explosive or other means,] [and undertakes to prohibit and prevent any such nuclear explosion] at any place [under [or beyond] its jurisdiction or control] [.] [:]

[(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) underground.]

2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, [assisting,] [preparing,] or in any way participating in, the carrying out [anywhere] of any nuclear [weapon] [test] [explosion] [or any other [nuclear explosion]] [or any release] [referred to] [, which would take place in any of the environments described] [in paragraph 1 of this Article].

[PEACEFUL USE OF NUCLEAR ENERGY 1/

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the States Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

2. All the States Parties undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.]

1/ A number of delegations oppose the inclusion in this Treaty of any section on "Peaceful Use of Nuclear Energy" because they feel it is not pertinent to the Treaty, while some other delegations believe it is relevant to the Treaty.

[PEACEFUL NUCLEAR EXPLOSION 1/

1. "Peaceful nuclear explosion" means: the nuclear explosion activity with nuclear fission and/or nuclear fusion, which releases nuclear energy at very fast rate, and which is purely for scientific research or civilian applications.

2. [A nuclear-weapon State Party] [A State Party that has conducted a peaceful nuclear explosion] should submit a request to the Executive Council for approval when it intends to conduct a peaceful nuclear explosion by itself or for a [non-nuclear-weapon] [another] State Party as requested by the latter. The request to the Executive Council shall contain such details as the purpose, site and time of the intended explosion. The request shall be approved by a two-thirds majority of the members of the Executive Council.

3. At the explosion site, the detection instrument and equipment installed by the [nuclear-weapon State] [State Party] which provided the explosion device shall be of the role only to detect the yield of the explosion. No instrument or equipment shall be installed which can possibly be used for nuclear weapon test purposes.

4. In the Verification Protocol annexed to this Treaty, special chapters and articles shall be set up, and detailed provisions shall be made for the monitoring and verification of peaceful nuclear explosions.]

1/ A number of delegations oppose the inclusion in this Treaty of any section on so-called "Peaceful Nuclear Explosion".

THE ORGANIZATION

A. General Provisions

1. The States Parties to this Treaty hereby establish the Comprehensive Nuclear Test-Ban Treaty Organization (hereinafter referred to as "the Organization") to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.

2. All States Parties to this Treaty shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.

3. The seat of the Organization shall be in [Vienna]. [1]

4. There are hereby established as organs of the Organization the Conference of the States Parties, the Executive Council and the Technical [2] Secretariat which shall include the International Data Centre. Subsidiary bodies may be established within the Organization according to the provisions of this Treaty.

5. Each State Party undertakes to co-operate with the Organization in the exercise of its functions in accordance with this Treaty.

6. The Organization shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the provisions set forth in the [Confidentiality Annex].

7. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Treaty. It shall treat such information and data exclusively in connection with its rights and obligations under this Treaty.

[8. The Organization shall [be entitled to] conclude [an] agreement[s] with the International Atomic Energy Agency (IAEA) through which the IAEA shall be entrusted with [the] verification responsibilities determined by this Treaty

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[1] Cost estimates and other relevant factors would also have to be considered before a final decision is taken on the seat of the Organization.

[2] Removal of brackets around the word "Technical" is without prejudice to delegations' positions on the links with IAEA.

[and its Protocol] and with the rendering of [all] conference, logistic and infrastructural support required by the Organization.] 3/

[9. The Organization shall seek to benefit from existing international expertise and facilities where possible, and to maximize cost efficiencies, by developing a collaboration with the International Atomic Energy Agency and other bodies whereby functions of the Organization are delegated to the maximum degree consistent with adequate financial and resource management. Such arrangements (excluding those of a minor and normal commercial and contractual nature) are to be set out in agreements, which are to be submitted to the Conference of the States Parties for approval.] 4/

10. The costs of the Organization's activities shall be paid by the States Parties in accordance with the United Nations scale of assessments adjusted to take into account differences in membership between the United Nations and this Organization. [A State Party shall have the right to fulfil its assessment obligation by direct payment to the Organization, by a contribution credit, as provided for in paragraph 10bis of this Article, or by a combination of direct payment and contribution credit. The assessment obligation of each State Party shall be fulfilled on an annual basis. The contribution credit of a State Party for activities conducted during any single year may not exceed the annual assessment obligation of that State Party.] [Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget. The budget of the Organization shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs.] 5/

[10bis. The contribution credit that may be taken by a State Party towards its annual assessment shall be based on the credit value of activities undertaken by that State Party. The Organization shall determine the credit value, if any, of activities to be undertaken by a State Party based on prior consultations with that State Party within the context of the Organization's budget. A State Party that intends to fulfil its assessment obligation, in whole or in part, by a contribution credit, or intends to terminate the activities for which a contribution credit was envisaged, shall notify the Technical Secretariat not less than one year in advance of the commencement or termination of such activities. A State Party that delays or defers the implementation of bilateral commitments with respect to IMS facilities, as determined by the Director-General, shall not be entitled to a contribution credit for activities undertaken during that year. A State Party may share a contribution credit with another State Party by agreement between themselves and with the concurrence of the Director-General.]

3/ A delegation stated that a decision on the Organization could only be taken after a comparative cost estimate is made with regard to the various proposed options in this regard.

4/ Some delegations suggest that an option for the Organization might be an entirely independent Organization.

5/ This requires further elaboration.

11. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. The Conference of the States Parties

Composition, procedures and decision-making

12. The Conference of the States Parties (hereinafter referred to as "the Conference") shall be composed of all States Parties. Each State Party shall have one representative in the Conference who may be accompanied by alternates and advisers.

13. The first session of the Conference shall be convened by the Depositary not later than 30 days after the entry into force of this Treaty.

14. The Conference shall meet in regular sessions which shall be held annually (following the annual meeting of the General Conference of the IAEA), unless it decides otherwise.

15. A special session of the Conference shall be convened:

(a) When decided by the Conference;

(b) When requested by the Executive Council; or

(c) When requested by any State Party and supported by [one-third] [two-thirds] of the States Parties.

The special session shall be convened not later than 30 days after the decision of the Conference, the request of the Executive Council, or the attainment of the necessary support, unless specified otherwise in the decision or request.

16. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article ... of this Treaty.

[17. The Conference may also be convened in the form of a Review Conference, in accordance with Article ... of this Treaty.] [The Conference may decide as a matter of procedure to convene as a Review Conference to review the operation and effectiveness of the Treaty ten years after its entry into force and at intervals of ten years thereafter. A Review Conference may be convened earlier than ten years after entry into force of the Treaty, or less than ten years after the previous Review Conference, if so decided by the Conference as a matter of substance. Any Review Conference shall be held immediately following the annual session of the Conference.]

18. Sessions shall take place at the Headquarters of the Organization unless the Conference decides otherwise.

19. The Conference shall adopt its rules of procedure. At the beginning of each session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.

20. A simple majority of the States Parties shall constitute a quorum.

21. Each State Party shall have one vote.

22. The Conference shall take decisions on matters of procedure by a simple majority of the members present and voting. [Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not attainable, when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Treaty.] When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

23. The Conference shall establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty.

Powers and functions

24. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Treaty, including those relating to the powers and functions of the Executive Council and the Technical Secretariat, in accordance with this Treaty. It may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council.

25. The Conference shall oversee the implementation of, and review compliance with, this Treaty and act in order to promote its object and purpose. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines to either of them for the exercise of their functions.

26. The Conference shall:

(a) consider and adopt the report of the Organization on the implementation of this Treaty and the annual programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;

(b) decide on the scale of financial contributions to be paid by States Parties in accordance with Article ... of this Treaty;

(c) elect [and designate] the members of the Executive Council;

(d) appoint the Director-General of the Technical Secretariat (hereinafter referred to as "the Director-General");

(e) consider and approve the rules of procedure of the Executive Council submitted by the latter;

[(f) foster international cooperation for peaceful purposes in the field of nuclear activities;]

(g) (consider and review) scientific and technological developments that could affect the operation of this Treaty [and, in this context, direct the Director-General (of the IAEA, in accordance with the Agreement between the Organization and the IAEA) to establish a Scientific Advisory Board to enable him, in the performance of his functions, to render specialized advice in areas of science and technology relevant to this Treaty, to the Conference, the Executive Council or States Parties. The Scientific Advisory Board shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference;]

(h) take the necessary measures to ensure compliance with this Treaty and to redress and remedy any situation that contravenes the provisions of this Treaty, in accordance with Article ... of this Treaty;

(i) consider and approve at its first session any draft agreements, provisions, procedures, operational manuals, guidelines and any other documents [including a report on the [operational status] [state of readiness] of the Treaty's verification regime] developed and recommended by the Preparatory Commission[, including the Agreement between the Organization and the International Atomic Energy Agency (IAEA), in accordance with Article ... of this Treaty];

(j) approve agreements or arrangements with States and international organizations to be concluded by the Executive Council on behalf of the Organization in accordance with paragraph 40(i).

C. The Executive Council

Composition, procedures and decision-making

[27. The Executive Council shall consist of [41] [65] members. It shall comprise the members of the Board of Governors of the IAEA that are States Parties to this Treaty and additional members to be elected by the Conference, with due regard being given to an equitable geographical distribution. These additional members shall be elected from among States Parties to this Treaty which are not members of the Board of Governors of the IAEA, including those that are not members of the IAEA. The elections to the Executive Council are to be held after the elections of the Board of Governors.] [The Conference shall elect as many candidates as are necessary to complete the composition of 41 members to the Executive Council.]

[28. The Executive Council shall comprise ... States Parties elected by the Conference, [with due regard being given to an equitable [political] and geographical distribution] [on a rotational basis] with no State Party excluded. [Each of the nuclear-weapon States shall have a permanent seat therein.]]

[29. The Executive Council shall be composed as follows:

(a) The Conference of the States Parties shall designate for membership on the Executive Council the 10 members most advanced in the technology of nuclear energy, including the production of source materials, and the [two] member[s] most advanced in the technology of nuclear energy, including the production of source materials in each of the following areas [in which none of the aforesaid 10 is located] [the aforesaid ten included]:

1. North America
2. Latin America
3. Western Europe
4. Eastern Europe
5. Africa
6. Middle East and South Asia
7. South East Asia and the Pacific
8. Far East

(b) The Conference of the States Parties shall [elect to] [designate for] membership of the Executive Council [on a rotational basis as detailed in sub-paragraph (f) below]:

(i) Twenty members with due regard to equitable representation on the Council as a whole of the members in the areas listed in sub-paragraph (a) of this paragraph so that the Council shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office, and

(ii) One further member from among the members in the following areas:

- Middle East and South Asia
- South East Asia and the Pacific
- Far East

(iii) One further member from among the members in the following areas:

- Africa
- Middle East and South Asia
- South East Asia and the Pacific

(c) The designations provided for in sub-paragraph (a) of this paragraph shall take place at the first meeting of the Conference and thereafter at regular annual sessions of the Conference, in accordance with IAEA data.

(d) The [elections] [designation] provided for in sub-paragraph (b) of this paragraph shall take place at the first meeting of the Conference and thereafter at regular annual sessions of the Conference.

(e) The countries included in each of the geographical areas referred to in this paragraph are listed in Annex [...].]

[(f) The rotational designation provided for in sub-paragraph (b) of this paragraph shall be done by an alphabetical order of the State Parties in each area, according to the lists mentioned in sub-paragraph (e) of this paragraph, with the exclusion of States Parties designated under sub-paragraph (a) of this paragraph. Every designation according to any category mentioned in sub-paragraph (b) shall be accounted for.]

[(g) A State Party which prefers not to be designated to the Executive Council when its turn arrives, according to sub-paragraph (b), will submit to the Director-General a letter of renunciation. In this case, the next State Party on the area list shall be designated, unless it also submits a letter of renunciation.]

[30. The Executive Council shall consist of 65 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council.

The members of the Executive Council shall be elected by the Conference. In order to ensure the effective functioning of this Treaty, due regard being specially paid to equitable geographical distribution, to the importance of the nuclear technology, as well as to political and security interests, the Executive Council shall be composed as follows, designated by each regional group:

1.	Africa	15 States
2.	Asia	16 States
3.	Eastern Europe (on the basis of broader definition of Eastern European States)	8 States
4.	Latin America and the Caribbean	11 States
5.	Western Europe and Others	15 States]

31. Each member of the Executive Council shall have one representative in the Executive Council, who may be accompanied by alternates and advisers.

32. Each member of the Executive Council shall hold office from the end of the session of the Conference at which that member is [elected] [designated] until the end of the second regular annual session of the Conference thereafter, except that:

[(a) For members of the Board of Governors of the IAEA that are States Parties to this Treaty, their tenure shall coincide with that of the members of the Board of Governors of the IAEA];

(b) In the first year, half of the [41] [65] members who shall be [elected] [designated] in accordance with paragraph ... shall hold office until the end of the following [third] regular annual session of the Conference.

[(c) Members designated in accordance with paragraph ... shall hold office from the end of the session of the Conference at which they were designated until the end of the following regular annual session of the Conference.]

34. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

35. The Executive Council shall elect its Chairman from among its members.

36. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.

37. [A two-thirds majority of members of the Executive Council shall constitute a quorum.]

38. Each member of the Executive Council shall have one vote. Unless otherwise specified in this Treaty, the Executive Council shall take decisions on matters of substance [including the decision to approve a request for an on-site inspection] by a [two-thirds] [three-fourths] majority of [all its] [the] members [present and voting]. The Executive Council shall take decisions on matters of procedure by a simple majority of [all its] [the] members [present and voting]. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

Powers and Functions

39. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. It shall carry out the powers and functions entrusted to it in accordance with this Treaty. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.

40. The Executive Council shall:

(a) Promote effective implementation of, and compliance with, this Treaty;

(b) Supervise the activities of the Technical Secretariat;

(c) [Supervise the operation of the Agreement between the Organization and the IAEA;]

(d) Make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Treaty;

(e) Co-operate with the National Authority of each State Party;

(f) Consider and submit to the Conference the draft annual programme and budget of the Organization, the draft report of the Organization on the implementation of this Treaty, the report on the performance of its own activities and such other reports as it deems necessary or which the Conference may request;

(g) Make arrangements for the sessions of the Conference, including the preparation of the draft agenda;

(h) Examine proposals for changes, on matters of an administrative or technical nature, to the Protocol(s), pursuant to Article ... of this Treaty, and make recommendations to the States Parties regarding their adoption;

(i) Conclude, subject to prior approval of the Conference, the agreements or arrangements with States and international organizations on behalf of the Organization and supervise their implementation [including that referred to in paragraph 8 above with the IAEA] [with the exception of agreements or arrangements referred to in sub-paragraph (j) below];

(j) Approve and supervise the operation of the agreements or arrangements relating to the implementation of the verification activities negotiated with States Parties by the Technical Secretariat;

(k) [Approve Operational Manuals [prepared by the Technical Secretariat]] [Approve any new Operational Manuals and any changes to the existing Operational Manuals which may be proposed by the Technical Secretariat];

41. The Executive Council may request a special session of the Conference.

42. The Executive Council shall:

(a) Facilitate co-operation among States Parties [and the Technical Secretariat], including co-operation with the aim to resolve ambiguous events [detected by the International Monitoring System], through information exchanges and further co-operation;

(b) Facilitate consultation and clarification among States Parties in accordance with Article ... of the Treaty;

(c) [Receive and take [action] [a decision]] on requests for, and reports on, on-site inspections in accordance with Article ... of the Treaty.

[(d) Consider a request for on-site inspection and approve it by a [two-thirds] [three-fourths] majority of all its members, on the basis of the Director-General's technical report and recommendations;]

[(e) Examine and take decision on the request for conducting a peaceful nuclear explosion;]

43. The Executive Council shall consider concerns raised by a State Party regarding compliance and cases of non-compliance, including, inter alia, abuse of the rights established by this Treaty. In doing so, the Executive Council shall consult with the States Parties involved and, as appropriate, request a State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, inter alia, one or more of the following measures:

(a) Notify all States Parties of the issue or matter;

(b) Bring the issue or matter to the attention of the Conference;

(c) Make recommendations to the Conference [regarding measures to redress the situation and to ensure compliance in accordance with Article ... of the Treaty].

[(d) Take action in accordance with paragraph 4 of Article ... of the Treaty.]

[44. The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the General Assembly and the Security Council of the United Nations. It shall at the same time notify all States Parties of this action.] 6/

D. The Technical Secretariat

45. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Treaty. It shall carry out the other functions entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council (in accordance with this Treaty). The Technical Secretariat shall include, as an integral part, the International Data Centre.

46. The functions of the Technical Secretariat with regard to verification of compliance with this Treaty shall include:

(a) Being responsible for supervising and coordinating the operation of the International Monitoring System, [including the international exchange of corresponding data,] in accordance with ... of this Treaty;

[(b) Routinely receiving, collecting and analysing the monitored data of the International Monitoring System (and any additional information that a State Party or international organization may provide to it) with the aim of identifying, according to pre-defined criteria specified in Part ... of the

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6/ Paragraphs 43 and 44 relate to paragraph 4 of the Article on Measures to Redress a Situation and to Ensure Compliance, including Sanctions.

Protocol, significant events indicating a possible non-compliance with the basic obligations of this Treaty and making this data available to all States Parties;]

(c) Providing technical assistance in, and support for, the installation and operation of monitoring stations in accordance with the provisions of
... ; 7/

(d) Co-ordinating international cooperative arrangements to receive, process, [analyse] and facilitate an exchange of data obtained through the International Monitoring System;

(e) Operating the International Data Centre in accordance with ... of this Treaty;

(f) Assisting the Executive Council in facilitating consultation and clarification among States Parties in accordance with ... ;

(g) Receiving [at the same time as the Executive Council] requests for on-site inspections and processing [and evaluating] them, conducting the on-site inspections [as well as technically evaluating the results] and reporting to the Executive Council in accordance with ... ;

(h) Conducting on-site [monitoring and] [visits at the invitation of a State Party] in accordance with the procedures set out in paragraph ... ;

(i) Negotiating agreements or arrangements relating to verification activities with States Parties, other States or international organizations as appropriate, subject to approval by the Executive Council;

(j) Assisting the States Parties through their National Authorities on other issues of verification under this Treaty.

47. The functions of the Technical Secretariat with respect to administrative matters shall include:

(a) Preparing and submitting to the Executive Council the draft programme and budget of the Organization;

(b) Preparing and submitting to the Executive Council the draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

(c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

(d) Addressing and receiving communications on behalf of the Organization relating to the implementation of this Treaty.

7/ The Working Group noted the possible duplication of this sub-paragraph with elements of paragraph 21 under the section dealing with the International Monitoring System.

[(e) Carrying out the administrative responsibilities related to the Agreement between the Organization and the IAEA, including the expedition of all required notifications.]

[47bis. With respect to the responsibilities of the Technical Secretariat for preparing and submitting to the Executive Council the draft program and budget of the Organization, the Technical Secretariat shall determine and maintain a clear accounting of all costs for each facility established as part of the International Monitoring System. Similar treatment in the draft program and budget shall be accorded to all other activities of the Organization.]

48. [If so requested, the Technical Secretariat shall forward any request for information made by any State Party to any other State Party regarding any event relevant to this Treaty occurring on the territory or at any other place under the jurisdiction or control of the latter State. The Technical Secretariat shall receive, compile, and report to the requesting State any information received in response to such requests.]

49. [The Technical Secretariat shall [comprehensively] inform the Executive Council of any problems that have arisen with regard to the discharge of its functions, including doubts, ambiguities or uncertainties about compliance with this Treaty and this Protocol that have come to its notice in the performance of its monitoring and inspection activities and that it has been unable to resolve or clarify through its consultations with the State Party concerned.]

50. [The Technical Secretariat shall develop and maintain, subject to approval by [the Executive Council] [the Conference] Operational Manuals to guide the operation of the various components of the verification system, in accordance with Article ... of this Treaty and Section ... of this Protocol.] These Manuals shall not constitute integral parts of this Treaty or this Protocol and may be changed by the Technical Secretariat subject to approval by [the Executive Council] [the Conference] [in accordance with agreed procedures. The Technical Secretariat shall promptly inform the States Parties of any changes in the Operational Manuals].

51. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter.

52. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of professional expertise, experience, efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as members of the professional and clerical staff. [Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.] [The Secretariat shall also be staffed strictly in accordance with the principle of equitable geographic

distribution.] Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

[52bis. After the Technical Secretariat has received the advance notification provided for in paragraph 10bis of this Article, the Director-General, in consultation with the appropriate State Party or States Parties, shall make a determination of the credit value of the activity to be undertaken, which shall not exceed the amount the Organization has budgeted for that particular kind of activity. Contribution credits shall be provided, and a credit value determined, for, inter alia:

(a) Costs of establishing, operating and maintaining IMS facilities located on the territory of States Parties;

(b) Installing, upgrading, or providing operation and maintenance costs for an IMS facility located on the territory of a State on the basis of a bilateral arrangement with a State Party;

(c) Costs for an IMS facility not located on the territory of any State or located on the territory of a State not Party to this Treaty; and

(d) Costs of non-IMS activities, such as the provision of equipment, logistics support and personnel to the Organization.]

53. [The Director-General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 26 (g) of Part B of this Section. The Director-General shall, in consultation with States Parties, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty. [The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.]]

54. [The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.]

55. In the performance of their duties, the Director-General, the inspectors and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization.

56. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

RESERVATIONS

[The Articles of this Treaty shall not be subject to reservations. The provisions of the Protocol of this Treaty shall not be subject to reservations incompatible with its object and purpose.]

ENTRY INTO FORCE

1. This Treaty shall enter into force[, subject to the provisions of paragraph 2 of this Article,]

(a) [180 days] [one year] after the date of the deposit of the instruments of ratification by

(i) [... States][including ...], but

(ii) [... per cent of][all States which have, have ever had, or have under construction, nuclear power or nuclear research reactors at the date of the opening of the Treaty for signature as specified in the International Atomic Energy Agency list contained in annex ... to this Treaty] [and all the Member States of the Conference on Disarmament which are members at the time when the Treaty is open for signature], but

(iii) [All States Members of the Conference on Disarmament and all States which have applied for membership prior to ...], but

(b) In no case earlier than two years after its opening for signature.

[2. All signatory States shall have the imprescriptible right to waive the requirement, laid down in the preceding paragraph[, ...]. They may do so by means of a declaration which shall be annexed to their respective instruments of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of [...] instruments of ratification with such waivers attached.]

[3. After all the nuclear-weapon States have deposited their instruments of ratification with the Depositary, and no earlier than ... after the Treaty is opened for signature, all States that have deposited their instruments of ratification with the Depositary shall have the right, in accordance with the procedures specified in this paragraph, to waive the requirements set forth in paragraph 1 of this Article. A majority vote of all States that have deposited their instruments of ratification with the Depositary is required to convene a conference of those States to consider the question of waiving the requirements set forth in paragraph 1 of this Article. Such requirements may be waived at the conference by agreement of all nuclear-weapon States and a majority of the other States that have deposited their instruments of ratification with the Depositary. In the case of an agreement to waive the requirements of paragraph 1 of this Article, the Treaty shall enter into force under the conditions determined by agreement of all the nuclear-weapon States and a majority of the other States that have deposited their instruments of ratification with the Depositary.] 1/

1/ A group of delegations suggest that further discussion is needed on paragraphs 2 and 3 above.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the [30th day following the date] [date] of deposit of their instruments of ratification or accession.

DURATION AND WITHDRAWAL

1. This Treaty shall be of unlimited duration. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty, [such as another State Party violating provisions essential to the object and purpose of this Treaty, or has acted in violation of the spirit of this Treaty,] have jeopardized its supreme interests. [A nuclear test by a State Party or non-State Party may be sufficient reason for withdrawal.]

2. Withdrawal shall be effected by giving notice [three] [six] [twelve] months in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Notice of withdrawal shall include a statement of the extraordinary event(s) which a State Party regards as jeopardizing its supreme interests.

[3. The withdrawal of a State Party from this Treaty shall not in any way affect the duty of this State or other States to continue fulfilling the obligations assumed under other [relevant] international agreements.]

[REVIEW OF THE TREATY 1/

1. Ten years after the entry into force of this Treaty, or earlier if so requested by a two-thirds majority of the States Parties to the Treaty, by submitting a proposal to this effect to the Depositary, a Conference of the States Parties to the Treaty shall be held to review the operation of the Treaty [and the issues related to the Treaty such as nuclear disarmament] [with a view to assuring that the [object and] purpose of the [Preamble and the provisions of the] Treaty [is] [are] being realized]. [Such review shall take into account any new scientific and technological developments relevant to the Treaty.]

2. At intervals of 10 years thereafter, a majority of States Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary, the convening of further Conferences [with the same objectives] [to review the operation of the Treaty, with a view to assuring that the object and purpose of the [Preamble and the provisions of the] Treaty are being realized]. Such a conference may be held after an interval of less than 10 years if so requested by a two-thirds majority of States Parties to the Treaty.]

1/ Some delegations consider that there should be no separate Article on Review of the Treaty, but that the issue would more appropriately be addressed in the Article on The Organization, specifically in paragraph 17 cf the section on the Conference of the States Parties.

[SECURITY ASSURANCES FOR STATE PARTIES [1]

1. Nuclear-weapon States Parties undertake not to be the first to use nuclear weapons against each other.

2. Nuclear-weapon States Parties undertake not to use or threaten to use nuclear weapons against other States Parties.

3. Each State Party undertakes to provide, through the United Nations Security Council, necessary assistance to any State Party that comes under attack with nuclear weapons, and to impose strict, effective sanctions on the attacking State.]

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[1] Several delegations oppose the inclusion in this Treaty of any section on so-called "security assurances", or any other sections that include proposed undertakings relating to the use of nuclear weapons, on the grounds that such matters are totally beyond the scope of this Treaty and the mandate for its negotiation.

[RELATION TO OTHER INTERNATIONAL AGREEMENTS

Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed and rights enjoyed by any State under the following international agreements:

1. The Antarctic Treaty signed at Washington on 1 December 1959;

2. The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water opened for signature at London, Moscow and Washington on 8 August 1963;

3. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies opened for signature at London, Moscow and Washington on 27 January 1967;

4. Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean opened for signature at Mexico City on 14 February 1967;

5. Treaty on the Non-Proliferation of Nuclear Weapons opened for signature at London, Moscow and Washington on 1 July 1968;

6. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof opened for signature at London, Moscow and Washington on 11 February 1971;

7. Agreement Governing the Activities of States on the Moon and Other Celestial Bodies opened for signature at New York on 18 December 1979;

8. South Pacific Nuclear Free Zone Treaty signed at Rarotonga on 6 August 1985.]

This section of the rolling text is bracketed in its entirety. Some elements in the text have been bracketed for procedural reasons, such as proposals not yet discussed, while others are bracketed due to differences of opinion among delegations.

[TREATY LANGUAGE ON VERIFICATION

A proposal has been made to entrust the IAEA with verification of compliance with the Treaty (see CD/1232). Should this find approval, all the text on verification would have to be reviewed accordingly.

General Provisions

1. In order to ensure verification of compliance with the provisions of this Treaty, a verification regime shall be established consisting of the following elements:

(a) An International Monitoring System;
(b) Consultation and clarification;
(c) On-site inspections;
(d) [National or multinational means of verification]; and
(e) [Associated measures] [Confidence-building measures] [Transparency measures].

The verification regime shall be [fully] operational upon the entry into force of this Treaty. [Those parts of the International Monitoring System not fulfilling this requirement due to financial or technical reasons should become operational at the latest [2] years after entry into force of this Treaty. During such time, the Director-General shall give progress reports to the Executive Council every 3 months.] 1/

2. [The goal of the [stringent, effective and equitable] verification mechanism to be established shall be to detect in a timely manner [and accurately identify] any nuclear [weapon] test [explosion] prohibited under the Treaty. [The International Monitoring System established should possess the technical capacity required to meet this goal.]]

3. [Verification activities shall be carried out on the basis of full respect for the sovereignty of States Parties, and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.]

4. [Each State Party shall have the right to make its own interpretation and determination as to the nature of any event having relevance to this Treaty occurring in the course of the implementation of this Treaty and as to the conformity of that event with the provisions of this Treaty.]

5. Each State Party undertakes in accordance with the Treaty to co-operate, through its National Authority established pursuant to Article ... (National

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1/ This paragraph needs further discussion in light of the future content and structure of the verification provisions.

Implementation Measures), paragraph 4, with the [Technical Secretariat] [Organization] and with other States Parties to facilitate the verification of compliance with this Treaty inter alia by:

(a) Establishing the necessary facilities to participate in these verification measures and establishing the necessary communication channels with the [Technical Secretariat] [Organization];

(b) Providing data obtained from national stations which are part of the International Monitoring System;

(c) Permitting the conduct of on-site inspections and visits;

(d) Providing [notifications, declarations,] and [associated measures;] and

[(e) Providing information from additional relevant techniques, as specified in the Protocol to this Treaty or that may be added to this Treaty in accordance with the Protocol to this Treaty].

6. [All States Parties, irrespective of their technical and financial capabilities, shall enjoy the equal right of verification and assume the equal obligation to accept verification.]

7. [States Parties should not be precluded from using additional national or multinational technical means of verification at their disposal, in a manner consistent with generally accepted principles of international law, for the purpose of providing assurance of the compliance with the provisions of this Treaty.]

8. [For the purpose of providing assurance of compliance with the provisions of this Treaty, each State Party shall have the right to use national or multinational technical means of verification at its disposal in a manner consistent with generally accepted principles of international law.]

9. [No State Party shall interfere with national or multinational technical means of verification operating in accordance with these provisions.]

10. [Investigation of ambiguous events or concerns about possible non-compliance with the basic obligations of this Treaty at locations beyond the jurisdiction or control of any State is the responsibility of one or more States Parties. Any State Party that conducts such an investigation could provide to the Executive Council and the Technical Secretariat a notification of intent to conduct the investigation. The notification could contain information similar to the information contained in a State Party's request for an on-site inspection presented to the Executive Council pursuant to paragraph 79 of the Protocol to this Treaty.]

11. Each State Party shall have the right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to this Treaty.

12. Moreover, all necessary measures shall be taken to protect the confidentiality of the information related to civilian and military activities and facilities obtained during verification activities.

13. [Information obtained by the Organization by means of verification measures established by this Treaty, on-site inspection, notifications, declarations, data exchange, and additional requests for information shall be [provided] [made available] to all States Parties in accordance with the Protocol to this Treaty, unless otherwise agreed. The Organization shall provide for the protection of such information of a proprietary or sensitive nature that is provided to it pursuant to this Treaty.]

14. No State Party shall interpret the provisions of this Treaty as restricting the international exchange of data for scientific purposes.

15. Each State Party undertakes to co-operate with the Organization and with other States Parties in the improvement of the verification regime, and in the examination of the verification potential of additional technologies, with a view to developing, when appropriate, specific measures to enhance the efficient and cost-effective verification of the Treaty. Such measures shall, when agreed, be incorporated in existing provisions in the Treaty, the Protocol annexed to the Treaty or as additional Sections of the Protocol, in accordance with Article ... of the Treaty ("Amendments"), or be reflected in the Operational Manuals in accordance with Article ... ("The Organization") paragraph 40 (k).

16. [The provisions of the Treaty shall be implemented in a manner which avoids hampering the economic and technological development of the States Parties for further development of the application of atomic energy for peaceful purposes. [The States Parties shall undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.] [The States Parties shall undertake, furthermore, to promote co-operation among themselves to fully facilitate and participate in, the fullest possible exchange of verification technologies, [seismic or non-seismic technologies,] in order to enable all States Parties to strengthen their national technical means towards implementation of a more effective verification of compliance within the Treaty.]]

International Monitoring System

17. The International Monitoring System shall comprise monitoring facilities for seismological monitoring, radionuclide monitoring including certified laboratories, hydroacoustic monitoring, infrasound monitoring, [satellite monitoring, EMP monitoring] and respective means of communication, and be supported by the International Data Centre of the Technical Secretariat. 1/

18. [The International Monitoring System shall be placed under the authority of the Technical Secretariat. It shall include an international network

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1/ Final placement of this paragraph (here or in the Verification Protocol, under IMS General Provisions) will reflect decisions to be made by delegations on the most appropriate amendment procedure to be applied.

assembling stations [satellites] which are part of international networks and others based on national means, which States Parties may put to the disposition of the international community on a voluntary or contractual basis.] [All monitoring stations of the International Monitoring System are owned and operated by States Parties.]

19. [Each State Party to the Treaty undertakes to support the International Monitoring System through its [nationally owned and operated] monitoring stations [satellites] and by providing relevant data to the International Data Centre according to procedures contained in the Protocol.]

20. Each State Party shall have the right to participate in the international exchange of data and to have access to all data made available to the International Data Centre [and, at its own expense, also to arrange for on-line access to the data]. Each State Party shall co-operate with the International Data Centre through its National Authority.

Potential Sub-Heading

21. The Technical Secretariat shall co-ordinate the operation of the monitoring networks established under the International Monitoring System. In this connection, the Technical Secretariat shall:

(a) Operate the International Data Centre to process, [analyse and] report on the data gathered by the verification [system] [networks];

(b) Supervise and co-ordinate stations in the monitoring networks;

(c) Ensure that the operation of participating stations and their reporting are in compliance with the relevant Operational Manuals;

(d) Provide technical assistance in, and support for, the installation and operation of monitoring stations in regions of the world where such assistance and support are needed;

(e) Compile and assess the results and experiences of the operation of the monitoring networks. 2/

22. The [Technical Secretariat] [International Data Centre] shall assist in ensuring the proper operation of and shall monitor the quality of the networks [satellites] and evaluate their overall performance [in accordance with the agreed criteria, standards and procedures set forth in the relevant Operational Manuals] [through routine audit procedures organized in conjunction with the host State Party and set forth in the Operational Manual].

[24. The Technical Secretariat shall make arrangements, as appropriate, to receive data relevant to this Treaty from national, regional or international data management centres.]

2/ One delegation suggested moving paragraphs 21 through 35 to the Protocol.

25. The International Data Centre 3/, as an integral part of the Technical Secretariat, shall [routinely]:

(a) Receive [and collect] data from the International Monitoring System;

(b) Receive data, as appropriate, resulting from the processes of consultation and clarification, from on-site inspections, and from [associated measures] [confidence-building measures] [transparency measures] 4/;

[(c) Receive other data from States Parties and international organizations as might be contributed to the international data exchange;] 4/

26. [The [Technical Secretariat] [International Data Centre 3/] [as an integral part of the Technical Secretariat,] shall [routinely]:]

(a) Process [and analyse] [on a preliminary basis] [and shall have the exclusive responsibility of analysing all] [the] [this] data [received from the International Monitoring System],

[including a pre-selection of unusual events as defined in the Protocol]

[illegible] preliminarily identify the nature of the suspicious events which the International Monitoring System has detected, pursuant to the technical criteria for event analysis and identification set out in Section ... of the Protocol]

[with the aim of identifying, according to pre-defined criteria specified in Part ... of the Protocol, significant events indicating a possible non-compliance with the basic obligations of this Treaty. This analysis shall include the identification of events and a final result. The International Data Centre Bulletin shall be prefaced by an analytical summary.]

[Event identification, using any or all of the data which would be reported to the International Data Centre, shall be the exclusive responsibility of the individual States Parties.]

[process and analyse all data from the International Monitoring System, and [preliminarily] identify the nature of significant suspicious events which the International Monitoring System has detected and which may indicate a possible non-compliance with the basic obligations of this Treaty, pursuant to the technical criteria for event analysis and identification set out in Section ... of the Protocol.]

3/ One delegation suggested that this paragraph should be part of the General Provisions on verification, and that it should include a sub-paragraph defining the IDC along the following lines: "The International Data Centre is the [focal point] for all data obtained by the verification regime."

4/ The placement of this sub-paragraph is subject to further consideration.

(b) [Distribute the results] [make available all data both raw and processed] to all States Parties [and the Executive Council] [within ... days] 5/;

(c) Store all data, both raw and processed;

[(d) [Meet States Parties' independent analysis requirements by giving] [provide to] all States Parties timely access to all stored data, including on-line access at the expense of any State Party requesting such access]; and,

(e) [Co-ordinate] [facilitate] requests for additional data from the International Monitoring System [or other monitoring stations/satellites] [, and make the resulting data available to all States Parties].

[(f) Co-ordinate requests for additional data from one State Party to another Party, and make such data available to all States Parties.]

27. [Each State Party shall have a right to transfers of monitoring and data processing techniques possessed by the International Data Centre.] [The International Data Centre shall make available to interested States Parties all techniques it utilizes to compile, process [and analyse] the information it receives from the [verification system] [International Monitoring System].]

28. The agreed procedures to be used by the Technical Secretariat and the International Data Centre in discharging the responsibilities referred to in paragraphs 25-27 above shall be [detailed in ... of the Protocol and] elaborated in the relevant Operational Manuals as specified in ... .]

29. States Parties may also separately establish co-operative arrangements with the Organization, in order to make available to the International Data Centre supplementary data from national monitoring stations [including] [satellites] which are not formally part of the International Monitoring System. [The conditions under which supplementary data from such facilities (designated "co-operating national facilities") are made available, and under which the International Data Centre might request further or expedited reporting, or clarifications, shall be [agreed upon between the Technical Secretariat and the State Party] [laid down in the Operational Manuals for the respective monitoring network].]

[to assist in the location and identification of ambiguous events [indicating a possible nuclear explosion] [detected by the International Monitoring System], States Parties may put at the disposal of the International Data Centre supplementary data from their national monitoring stations and other facilities which are not formally part of the International Monitoring System.

Upon request by a State Party, the Technical Secretariat shall designate such facilities as "co-operating national facilities" and take all steps required for the certification of these facilities and authentication of the data in accordance with International Data Centre standards specified in the Operational Manuals.

5/ Number of days may differ between different monitoring techniques.

Whenever an ambiguous event [indicating a possible nuclear explosion] [detected by the International Monitoring System] is detected in an area covered by co-operating national facilities, the International Data Centre shall call upon and make use of data obtained from these facilities to clarify the nature and determine the location of the event.

The International Data Centre shall treat and process the supplementary data in a manner similar to that of the International Monitoring System data, and include it whenever available, in the relevant bulletins. To facilitate such processing, the International Data Centre may specify the formats in which the data will be transmitted from the co-operating national facilities.

In processing on-site inspection requests, the Organization shall make use of relevant authenticated supplementary data whenever available for the determination and narrowing down of the inspection area to be specified in the inspection mandate.]

[30. Each State Party is encouraged to assist in the assessment of the nature of the events detected by the International Data Centre by contributing any supplementary data or information available about events located in its own territory and to provide data recorded by stations in national and regional networks when requested to do so by the International Data Centre.]

31. [However, data obtained through the International Monitoring System shall serve as the sole basis for event identification. Data acquired through other means, including national technical means, shall be used as supplementary evidence to help clarify the nature of suspicious events detected by the International Monitoring System.]

32. [The Executive Council shall, on the basis of the results of the preliminary identification made by the International Data Centre and taking into account all relevant factors, make the determination and judgement on whether the suspicious event is a nuclear weapon test explosion.]

33. [The costs of the International Monitoring System shall be met by individual States Parties and the Organization.] For monitoring stations and laboratory [and analytical] [and other] facilities determined pursuant to paragraphs ... of the Verification Protocol to be essential to the operation of the International Monitoring System:

(a) To the extent that such stations and facilities provide data to the International Data Centre, the Organization shall meet the costs of:

(i) Transmitting International Monitoring System data (raw or processed, including samples where appropriate) to the International Data Centre [directly] [or indirectly] from monitoring stations, from laboratory [and analytical] facilities or from National Data Centres, or to laboratory [and analytical] facilities from monitoring stations;

(ii) Analysing samples on behalf of the Organization;

[(iii) Establishing any new stations and facilities, and upgrading existing stations and facilities [not located on the national territory of any State Party];]

[(iv) Establishing any new stations and facilities, and upgrading existing stations and facilities located on the national territory of least developed countries;]

[(v) Operating and maintaining [new] [and existing] International Monitoring System monitoring stations and facilities noted above [located on the national territory of least developed countries];] and,

[(vi) International Monitoring System station and facility physical security, if appropriate, [located on the national territory of least developed countries];]

[(b) Each individual State Party shall meet the costs of:

(i) Establishing any new stations and facilities, and upgrading any existing stations and facilities located on its national territory; and,

(ii) Operating and maintaining all stations and facilities located on its national territory; and,]

[(c) Any individual State Party may meet the costs of:

(i) Establishing any new stations or facilities, and/or upgrading any existing stations or facilities located outside the national territory of any State Party; and,

(ii) Operating and maintaining any monitoring station or facility located outside the national territory of any State Party.]

[34. The Organization shall also meet the cost of regular and automatic transmission to each State Party of its requested selection from the standard range of International Data Centre reporting products. The cost of preparation and transmission of any additional data or products shall be met by the requesting State Party.]

[35. The Technical Secretariat shall negotiate, on behalf of the Organization, agreements with States Parties responsible for the operation of such stations or facilities, or other States [or entities], as appropriate, which shall include provisions detailing the arrangements for meeting these costs. Such agreements shall be submitted to the Conference for approval, and subsequent amendments shall be subject to prior approval by the Executive Council.]

Note: If the Head Treaty provisions spell out the central principle of funding according to the UN scale of assessments as adjusted (see Article on "The Organization", paragraph ...), the above drafting might appear in the Verification Protocol, and could be subject to the more demanding treaty amendment procedures.

Consultation and Clarification

36. [States Parties shall consult and co-operate, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Treaty.] Results of any consultations with or through the Organization shall be made available without delay to all States Parties, subject to the provisions on confidentiality ... . [Consultation and clarification regarding on-site inspections shall be conducted in accordance with paragraph ... of this Treaty.] 6/

37. [Without prejudice to the right of any State Party to request an on-site inspection,] [Prior to a request for on-site inspection,] States Parties [should] [, as a rule, first] [shall first] make every effort to clarify and resolve, among themselves or with or through the Organization, [any matter which may cause concern about possible non-compliance with this Treaty.] [any ambiguous events detected by the International Monitoring System that relate to the object and purpose of this Treaty.]

38. A State Party which receives a request pursuant to paragraph 37 directly from another State Party shall provide the clarification to the requesting State Party as soon as possible, but in any case not later than ... days after the request. [The requesting State Party may keep the Executive Council and the Director-General informed of the request.]

39. A State Party shall have the right to request the [Executive Council] [Director-General] to assist in clarifying any [situation relevant to this Treaty which may be considered ambiguous or which gives rise to a concern about the possible non-compliance of another State Party with this Treaty] [ambiguous events detected by the International Monitoring System that relate to the object and purpose of this Treaty]. The [Executive Council] [Director-General] shall provide appropriate information in its possession relevant to such a concern. [The Director-General shall inform the Executive Council of the request, and the information provided in response, if so requested by the State Party concerned.]

40. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any [situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with this Treaty] [ambiguous events detected by the International Monitoring System that relate to the object and purpose of this Treaty]. In such a case, the following shall apply:

(a) The Executive Council shall forward the request for clarification to the State Party concerned through the Director-General not later than ... after its receipt;

6/ The location of this paragraph has to be reviewed.

(b) The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case not later than ... after the receipt of the request;

(c) The Executive Council shall take note of the clarification and forward it to the requesting State Party not later than ... after its receipt;

(d) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain from the requested State Party further clarification.

The Executive Council shall inform the States Parties about any request for clarification provided in this Article.

41. If the requesting State Party considers the clarification obtained under sub-paragraph 40(d) to be unsatisfactory, it shall have the right to request a special session of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. In such a special session, the Executive Council shall consider the matter and may recommend any measure in accordance with Article ... to resolve the situation.

On-Site Inspections

Request for an On-Site Inspection 7/

Basic right to request an on-site inspection

42. Each State Party [as well as the Technical Secretariat] has the right to request an on-site inspection in accordance with ... in the territory or in any other place under the jurisdiction or control of any State Party[, or any area beyond the jurisdiction or control of any State].

[43. An on-site inspection carried out pursuant to paragraph 42 shall be conducted as either an initial phase of an on-site inspection or a second phase of an on-site inspection in accordance with the request presented by the requesting State Party. An initial phase of an on-site inspection or a second phase of an on-site inspection may be requested at any time. The term "inspection" or the phrase "on-site inspection", when used in this Treaty without reference to a phase of an on-site inspection, is understood to apply to either phase of an on-site inspection.]

44. The requesting State Party [or as applicable the Technical Secretariat] is under the obligation to keep the on-site inspection request within the scope of this Treaty and to provide in the inspection request information in accordance with paragraph 47 [on the basis of which a concern has arisen regarding possible non-compliance with this Treaty]. The requesting State Party [or as applicable the Technical Secretariat] shall refrain from unfounded inspection requests, care being taken to avoid abuse.

7/ The terms "inspected" and "suspected" State Party have to be reviewed at a later stage, taking into account the respective stage of the OSI decision-making process.

Purpose of an on-site inspection

45. The sole purpose of an on-site inspection shall be to clarify

[any question concerning] [possible non-compliance with the [basic obligations] [provisions of Article 1 (scope)] of this Treaty] [, including a situation in which a nuclear explosion appears to be imminent.]

[whether a nuclear [weapon test] [explosion] has been carried out [or is imminent] in violation of the Treaty's [basic obligations] [provisions of Article 1 (scope)], and, to the extent possible, the facts relating to the identity of any violator.]

[whether or not an ambiguous event [detected by the International Monitoring System] has been a nuclear explosion carried out in violation of the Treaty's [basic obligations] [provisions of Article 1 (scope)] and, to the extent possible, the facts relating to the identity of any violator.]

This paragraph should be reviewed in the light of the outcome of discussions on the Article on Scope.

Submission of an on-site inspection request

46. The requesting State Party shall present a request for an on-site inspection to the Executive Council, [and at the same time to] [through] the Director-General for the latter to begin immediate processing[, and the Technical Secretariat shall, on the basis of Article ... , and pursuant to procedures set out in Article ... , present a request to the Executive Council for an on-site inspection].

47. The request for an on-site inspection shall be based on the [technical] data collected [and analysed] by the International Monitoring System [and/or by other elements of the Treaty verification regime, or shall be based on other relevant [technical] data made available by States Parties,] in accordance with the provisions of this Treaty. The request for an on-site inspection shall contain information pursuant to ... of the Protocol.

48. [In case an inspection request is presented by a State Party, the][The] Director-General shall immediately ascertain that the inspection request meets the requirements specified in Section ... of the Protocol annexed to this Treaty, and, if necessary, assist the requesting State Party in filing the inspection request accordingly. [When the inspection request fulfils the requirements, [and upon approval by the Executive Council,] [and concurrently with the stages referred to in paragraphs 50 and 52,] preparations for the inspection shall begin.] [The Technical Secretariat shall begin preparations for an initial phase of an on-site inspection immediately upon receipt of a request from a State Party. The Technical Secretariat shall begin preparations for a second phase of an on-site inspection immediately following the Executive Council's approval of that phase of an inspection.]

49. (a) Receiving, processing and [technically evaluating] requests [and concurrently commencing preparations] for on-site inspections, in accordance with the provisions of Article ... ;

[(b) Beginning preparations for an on-site inspection immediately upon [its identification of a significant suspected event or upon] receipt of a request from a State Party; [concurrently with the expert evaluation of the event, being conducted with the suspected State Party];]

Consultation and clarification, technical evaluation

50. [The Director-General, upon receipt of a request for an on-site inspection from a State Party [or from the Technical Secretariat], referring to an inspection area under the jurisdiction or control of any State Party, shall promptly conduct a consultation and clarification process with the State Party sought to be inspected[, on the basis of all available data,] in order to clarify and to resolve the concern raised in the request. Concurrently, the Director-General shall commence a technical expert evaluation in accordance with paragraph 52.]

51. [A State Party which receives a request for clarification, pursuant to paragraph 50, shall provide the Director-General with explanations and with other relevant information as soon as possible, but not later than [5] days after receiving the request.]

52. [For the technical expert evaluation conducted by experts of the Technical Secretariat, the Director-General shall also invite experts nominated by the suspected and, as necessary, requesting States Parties, as applicable, [as well as other internationally recognized experts,] to evaluate all available technical data [from the International Monitoring System], with the aim of clarifying and resolving the concern raised in the request and recommending whether sufficient grounds exist for an on-site inspection. The Director-General shall conclude the evaluation with a report, in accordance with paragraph ... of the Protocol, including the findings and recommendations contained in the expert evaluation, not later than [10] days after the request for clarification has been submitted to the suspected State Party.]

53. [In such cases where the concern raised in the request has not been resolved by the clarification and expert evaluation processes, or if the requesting State Party so requires at the end of these processes, the Director-General shall promptly submit to the Executive Council the report as detailed in paragraph 52. This report shall serve as the basis for the Executive Council consideration of the request for an on-site inspection.]

Follow-up after submission of an on-site inspection request 8/

54. [The Director-General shall within one hour acknowledge to the requesting State Party receipt of its request.]

55. [Not later than 24 hours after receipt of a request, the Director-General shall notify the Executive Council and all States Parties about the request and its content.]

8/ Text elements in this sub-section have not been reviewed due to time constraints.

56. [Promptly after receipt of a request, the Director-General shall undertake action aimed at obtaining additional information through the International Monitoring System regarding the event specified in the request for an inspection. The specific procedures for obtaining additional information shall be set out in the respective Operational Manual(s) for the International Monitoring System. The Director-General shall inform the Executive Council about the proposed timing for obtaining the above additional information.]

57. [Any State Party may communicate to the Director-General a notification containing factual information from its national technical means of verification regarding the event specified in the request for an inspection. The Director-General shall promptly transmit the notification to the Executive Council.]

58. [The Executive Council shall take cognizance of the Director-General's actions and shall keep the case under its consideration throughout the inspection procedure. [However, its deliberation shall not delay the inspection process.]]

Executive Council decisions

59. [The Executive Council may, not later than [12] [48] hours after having received the inspection request [for the initial phase of an on-site inspection], decide by a [two-thirds] [three-quarters] majority of all its members against carrying out the [initial phase of the] inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Treaty, as described in paragraph ... .

[[The second] [A consecutive] phase of an on-site inspection shall be conducted only if the Executive Council, not later than [... hours] [5 working days] after receiving the inspection request for that phase of an on-site inspection, approves it by [a simple] [two-thirds] majority of [all] its members [present and voting].]

If the Executive Council decides against the [initial phase of the] inspection, preparations [for that phase of the inspection] shall be stopped, no further action on the inspection request shall be taken, and the States Parties concerned shall be informed accordingly.]

60. [The Executive Council shall consider the request. The decision to approve an on-site inspection shall be made by a [two-thirds] [three-fourths] majority of all members of the Executive Council. If the Executive Council finds the request to be frivolous or abusive, it shall take the appropriate measures in accordance with Article ... . If the Executive Council does not approve the inspection, [preparations shall be stopped,] no further action on the inspection request shall be taken, and all States Parties will be informed accordingly.]

61. [In the review process, the Executive Council, assisted by the Technical Secretariat, shall use uniform scientific criteria and standards to examine the data and information submitted by the requesting State Party as supporting evidence. Such scientific criteria and standards shall be specified in the relevant parts of the Verification Protocol.]

62. [Not later than seven days after receipt of a request for an inspection the Executive Council shall at its meeting consider the request and take a decision concerning the conduct of an inspection. The Director-General shall prepare for the meeting a report containing all available information regarding the event as well as an inspection plan with information on the boundaries of the inspected area, proposed types of activity by the inspection team in the inspected area, the starting time and duration of the inspection, the numbers of inspectors, the name of the head of the inspection team and the approximate cost for the conduct of the inspection. If a decision has been taken to conduct an inspection, the Executive Council shall consider and approve a plan to conduct an inspection.]

63. The requesting and the inspected State Parties may participate in the Executive Council's deliberations on inspection requests without voting.

Follow-up after Executive Council decision

64. [If the Executive Council does not decide against carrying out the initial phase of an on-site inspection, the initial phase of an on-site inspection shall be conducted without delay by an inspection team designated by the Director-General and in accordance with the procedures in the Protocol to this Treaty.]

65. [If the requested on-site inspection has been [approved] by the Executive Council, this inspection shall be conducted [anywhere without delay] [within the agreed time-frame] [anywhere beginning not later than ... hours after the request is submitted to the Director-General] by an inspection team designated by the Director-General and in accordance with the procedures in the Protocol to this Treaty.]

The placement of paragraph 65 has to be reviewed.

66. [Within 24 hours the Director-General shall notify all States Parties about the results of the consideration of the request by the Executive Council. In case of a decision to conduct an inspection, the notification shall contain an approved plan of an inspection. Each State Party shall have the right to request a report from the Director-General to the Executive Council. In case of such a request the Director-General shall within 7 days transmit the report to the requesting State Party.]

67. [[Pursuant to the Executive Council approval of an on-site inspection,] The Director-General shall notify the inspected State Party not less than [12] [24] [48] hours before the planned arrival of the inspection team at the point of entry.]

The Conduct of an On-Site Inspection

It could be considered whether basic provisions on the conduct of on-site inspections, such as principles, phasing, use of aircraft, and duration should be dealt with in this section.

68. Each State Party shall permit the Organization to conduct an on-site inspection on its territory or at places under its jurisdiction or control, in

accordance with the provisions and procedures of this Treaty and the annexed Protocol (trigger mechanism, managed access et al).

69. [Pursuant to a request for] [Upon approval by the Executive Council of] [In the course of] an on-site inspection [and] in accordance with the provisions of this Treaty and the procedures provided for in the Protocol [and the Annexes] thereto, the inspected State Party shall have:

(a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Treaty and, to this end, to enable the inspection team to fulfil its mandate;

(b) The obligation to provide access within the inspection area for the sole purpose of determining facts relevant to the [concern regarding possible non-compliance] [purpose of the inspection]; and

(c) The right to take measures to protect sensitive installations and locations, and to prevent disclosure of confidential information not related to [this Treaty] [the purpose of the inspection].

70. The Director-General[, in consultation with the requesting State Party,] shall issue an inspection mandate for the conduct of the on-site inspection in accordance with ... . [The inspection mandate shall determine the scope of the on-site inspection, including which activities listed under paragraph ... of the Protocol to this Treaty would be conducted and which equipment would be used.] [The inspection mandate shall be the inspection request put into operational terms, and shall conform with the inspection request.]

71. The on-site inspection shall be conducted in accordance with the procedures laid down in the Protocol to this Treaty [and Annexes thereto]. The inspection team shall be guided by the principle of conducting the on-site inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its [mission] [mandate] [and the goal of satisfying the requesting State Party's concerns about possible non-compliance]. The inspectors shall seek only the information and data necessary for [ensuring the verification of compliance with this Treaty] [accomplishing their mandate].

72. The inspected State Party shall assist the inspection team throughout the inspection and facilitate its task. [If the inspected State Party proposes, pursuant to paragraph ... of the Protocol, arrangements to demonstrate compliance with this Treaty, alternative to [full and comprehensive] access, it shall make every reasonable effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating compliance[, consistent with the inspection mandate].]

[73. The inspected State Party shall have the right in accordance with the access regime provisions of the Protocol:

(a) To exclude facilities, security zones and inhabited places at the initial phase of the inspection;

(b) To restrict access to sensitive facilities and security zones on a managed access basis at later phases of the inspection; and

(c) To exempt from inspection the interior of buildings at any phase of the inspection, except for the special case specified in paragraph 119 of the Protocol (Access Regime).

If the inspected State Party elects to exercise this right, it shall make every reasonable effort in consultations with the inspection team to demonstrate through alternative means that a nuclear explosion has not been conducted there.]

[74. The size of the area of an on-site inspection shall be continuous and the smallest compatible with the characteristics of the specific event, of the specific area and of the relevant stations of the International Monitoring System and the National ones. The size shall not exceed ... square kilometres or a distance of ... kilometres in any direction.]

Observers

75. [Where the inspection request originates from a State Party][With regard to an observer], the following shall apply [with regard to an observer]:

(a) The requesting State Pafty may, [subject to the agreement of the inspected State Party,] send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the on-site inspection;

(b) The inspected State Party shall then grant access to the observer in accordance with the Protocol, annexed to this Treaty;

(c) [The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report].

76. [Any State Party that conducts an investigation in accordance with paragraph 10 of Article ... of this Treaty may invite an observer from the Technical Secretariat to accompany the investigating team of that State Party.]

Final Report of an On-Site Inspection

77. The inspection report [for either phase of an on-site inspection] shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and co-operation granted for the satisfactory implementation of the on-site inspection.

78. [Following its technical evaluation in accordance with part ... paragraph ... of the Protocol,] this report [together with its evaluation] shall be promptly transmitted by the Director-General to the requesting and inspected States Parties [as applicable], to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and inspected States Parties [as applicable], as well as the views of other States Parties which

may be conveyed to the Director-General for that purpose and then provide them to all States Parties.

79. [Any State Party that conducts an investigation in accordance with paragraph 10 of Article ... of this Treaty could make available appropriate information and data obtained, including, if appropriate, the results of any analyses of data, to the International Data Centre. The State Party that conducts the investigation would present its conclusions concerning possible non-compliance with the basic obligations of this Treaty to the Executive Council for review and decision in accordance with the provisions of this Treaty.]

80. [Upon receiving the inspection report, the Technical Secretariat shall:

(a) Evaluate the findings together with the previous information and assess its findings. The Technical Secretariat shall invite experts from the inspected State Party and from the requesting State Party as applicable, to participate in the assessment;

(b) Submit the inspection report together with its assessment to the Executive Council, to the inspected State Party, to the requesting State Party as applicable, and to all other States Parties.]

81. [The Executive Council shall, in accordance with its powers and functions, review the report [and its evaluations and assessments] as soon as it is transmitted by the Director-General [and [address any concerns as to:] [decide, inter alia:]

[(a) Whether any non-compliance has occurred;]

[(b) Whether the request had been within the scope of the Treaty] [; and

(c) whether the right to request an on-site inspection had been abused]].] 9/

82. The inspected and the requesting States Parties [as applicable] shall have the right to participate in the review process.

83. [If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph ... , it shall take the appropriate measures to redress the situation and to ensure compliance with this Treaty[, including specific recommendations to the Conference of the States Parties]. [In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the inspection] [or it shall be suspended from taking part in the decision-making process for the maximum period of [5] [10] years] [damages could be claimed by the inspected State Party].]

9/ One delegation suggested that this paragraph has to be reviewed in the light of consideration of a phased approach to an on-site inspection.

84. [If the Executive Council reaches a conclusion that non-compliance of a basic obligation of this Treaty has occurred, it shall refer the matter to the United Nations Security Council, in accordance with Article ... .]

85. [The Executive Council shall inform the States Parties and the next session of the Conference of the States Parties of the outcome of the review process, as specified above.] A special session shall be convened if so decided, in accordance with section 1, part 1 of the Protocol.

86. [If the Executive Council has made specific recommendations to the Conference of the States Parties, the Conference of the States Parties shall consider action in accordance with Article ... ("Measures").]

[Measures to Prevent Frivolous or Abusive On-Site Inspection Requests and Measures for Redress

87. If the Executive Council decides against carrying out an initial phase of an on-site inspection or disapproves a request for a second phase of an on-site inspection, on the basis that the respective inspection request is frivolous or abusive, the Executive Council shall consider and decide on whether to implement appropriate measures to seek to redress the situation, including the following:

(a) Requiring the requesting State Party to pay for the cost of any preparations made by the Technical Secretariat;

(b) Suspending the right of the requesting State Party to request an on-site inspection for a period of time, as determined by the Executive Council; and,

(c) Suspending the right of the requesting State Party to serve on the Executive Council for a period of time, as determined by the Executive Council.

The measures listed in sub-paragraphs (a), (b) and (c) of this paragraph could also be implemented by the Executive Council following the carrying out of an on-site inspection if it determined that the inspection request was frivolous or abusive. In either event, the State Party or States Parties requesting the on-site inspection shall reimburse the Technical Secretariat for the costs of the preparations for, and any carrying out of, the on-site inspection.]

[Associated Measures] [Confidence-Building Measures] [Transparency Measures]

[88. In order to:

(a) Contribute to the timely resolution of any compliance concerns arising from possible misinterpretation of verification data relating to chemical explosions;

(b) Assist in the calibration of the stations which are part of the component networks of the International Monitoring System; and

(c) Develop region-wide co-operation on and analysis of seismic monitoring to enhance the performance of the International Monitoring System, the verification regime as a whole, and confidence among regional States

each State Party undertakes to co-operate with the Organization and with other States Parties in implementing relevant [associated measures] [confidence-building measures] [transparency measures] as set out in Section ... of the Protocol.]]

PROTOCOL

THE INTERNATIONAL MONITORING SYSTEM 1/

General Provisions

1. The International Monitoring System shall comprise monitoring facilities for seismological monitoring, radionuclide monitoring including certified laboratories, hydroacoustic monitoring, infrasound monitoring, [satellite monitoring, EMP monitoring] and respective means of communication, and be supported by the International Data Centre of the Technical Secretariat. 2/

2. The International Monitoring System shall consist of the monitoring facilities [to be selected from facilities] specified in Tables ... , [annexed to this Protocol, 3/] of related certified laboratory facilities, and respective means of communication, supported by the International Data Centre of the Technical Secretariat. The International Monitoring System shall fulfil the technical and operational requirements specified in the Operational Manuals.

3. The Organization, in accordance with ... ("The Organization" article), shall, in co-operation and consultation with the States Parties, with other States, and with international organizations as appropriate, [establish and] [complete if needed and] co-ordinate the operation and maintenance, and any future agreed modification [or development] of the International Monitoring System. 4/

4. In accordance with appropriate agreements and procedures, a State Party or other State hosting or otherwise taking responsibility for International Monitoring System facilities and the Technical Secretariat shall [agree and] co-operate in establishing, operating, upgrading, financing, and maintaining

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1/ Further work by the Group of Experts on the issue of synergy of different monitoring technologies might have an impact on the design of the overall International Monitoring System. A delegation has suggested that security problems and the authentication of data in the international exchange of data should be addressed. The current state of technical consideration of options for configuration of seismic, hydroacoustic, radionuclide and infrasound components of the International Monitoring System is reflected in the Expert Group Report on the International Monitoring System (CD/NTB/WP.224) and the International Monitoring System Expert Group Chairman's Paper (CD/NTB/WP.225).

2/ Final placement of this paragraph (here or at paragraph 17 of the verification treaty language) will reflect decisions to be made by delegations on the most appropriate amendment procedure to be applied.

3/ The inclusion of these Tables in the Protocol is to be reviewed in connection with the decisions on their contents.

4/ Final placement of this paragraph and possible redundancies to be considered.

monitoring facilities, related certified laboratory facilities and respective means of communication on its territory, within areas under its jurisdiction or control[, or elsewhere in conformity with international law]. Such co-operation shall be in accordance with the security and authentication requirements and technical specifications contained in the relevant Operational Manuals. Such a State shall give the Technical Secretariat authority to access a monitoring facility [for checking equipment and communication links], and shall agree to make the necessary changes in the equipment and the operational procedures to meet agreed requirements. The Technical Secretariat shall provide to such States appropriate technical assistance as is deemed by the Executive Council to be required for the proper functioning of the facility as part of the International Monitoring System.

5. Modalities for such co-operation between the Organization and a State Party or a State hosting or otherwise taking responsibility for facilities of the International Monitoring System shall be set out in agreements [or arrangements] as appropriate in each case.

Part 1: Seismological Monitoring 5/

[3. Each State Party to the Treaty undertakes to co-operate in an international exchange of seismological data to assist in the verification of [compliance with] the Treaty. This cooperation [shall] include[s] the establishment and operation of a network of seismological stations. [The first tier, referred to as a network of primary stations, shall provide uninterrupted data transmitted on-line to the International Data Centre. The second tier, referred to as a network of auxiliary stations, shall be established and operated by the States Parties and shall provide on-line data upon request by the International Data Centre.] [These stations shall provide data in accordance with agreed procedures to the International Data Centre.]

4. The network of primary stations shall consist [initially] of the [50] stations [specified in Table ... , annexed to this Protocol]. 6/ These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. [Uninterrupted data from the primary stations shall be transmitted on-line to the International Data Centre.]

5. To supplement the primary network, an auxiliary network of [at least] [up to] [100] stations shall provide information to the International Data Centre on request. [[The auxiliary stations to be used [initially] are listed

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5/ Some delegations have suggested that coastal seismic stations will be suited for the detection of certain underwater events when developing both the seismological and hydroacoustic monitoring networks.

6/ The determination of a final seismological monitoring network, which might differ from the above option, to be included as part of the IMS will depend on technical considerations and political decisions. The preparation of a listing of the stations in such a network would be without prejudice to whether or how the list will be included in the Treaty.

in Table 1B, annexed to this Protocol.] 7/ The auxiliary stations shall be established and operated by the State Party on whose territory they are situated. The Technical Secretariat shall, if requested, provide technical assistance to a State Party in this regard. [The Technical Secretariat shall also, subject to the prior approval of the Executive Council, provide technical assistance to establish, operate and maintain such stations in regions of the world where there is a lack of such stations.] The auxiliary stations shall meet the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Data from the auxiliary stations may at any time be requested by the International Data Centre and shall be immediately available through on-line computer connections.]

[6. The International Data Centre shall [routinely] receive all [seismological] data [from seismological stations in accordance with agreed procedures] [contributed to the international exchange by its participants], process [and analyse the data received from primary and auxiliary stations] [as well as any data from supplementary stations contributed by States Parties] [with the aim of detecting, identifying and locating significant events indicating a possible underground or underwater nuclear explosion] and distribute [the results to all States Parties] [these data to all participants] within [two] [...] days, and store all data [contributed by participants] as well as the results of the processing at the Centre.]

[Table 1 **Seismic Stations Incorporated into the International Monitoring System** 8/

State	Location	Latitude	Longitude	Type]

7/ As indicated on page 81 of the Expert Group Report on the International Monitoring System (CD/NTB/WP.224), the experts noted that for the purpose of enhancing the location accuracy for OSI purposes and for the acquisition of data that could prove useful for the identification of events, it has been recommended in some national proposals, as well as in the report of the Friend of the Chair (CD/NTB/WP.181 of 6 September 1994), that a network of auxiliary stations be used. A definitive network can not be identified at this time, but experience gained in the GSETT-3 Experiment will help with this definition. The network currently being tested in GSETT-3 is such a two-tiered system.

The determination of a final seismological monitoring auxiliary network to be included as part of the IMS, if the inclusion of such a network is agreed upon, will depend on technical considerations and political decisions. The preparation of a listing of the stations in such a network would be without prejudice to whether or how the list will be included in the Treaty.

8/ A delegation suggested that there might be a need to produce a consolidated map of stations.

[Table 1-A **List of Seismological Stations Comprising the Primary Network**

	State	Location	Latitude	Longitude	Type
1	Argentina	PLCA Paso Flores	40.73 S	70.55 W	3-C
2	Paraguay	CPUP Villa Florida	26.33 S	57.33 W	3-C
3	Brazil	BDFB Brazilia	15.64 S	48.01 W	3-C
4	Bolivia	LPAZ La Paz	16.29 S	68.13 W	3-C
5	Colombia	RSLC El Rosal	04.86 N	74.33 W	3-C
6	United Stares of America	LJTX Lajitas, TX	29.33 N	103.67 W	array
7	United Stares of America	PFCA Pinon Flat, CA	33.61 N	116.46 W	3-C
8	United Stares of America	PIWY Pinedale, WY	42.77 N	109.56 W	array
9	United Stares of America	ELAK Eilson, AK	64.77 N	146.89 W	array
10	Canada	ULMC Lac du Bonnet	50.25 N	95.88 W	3-C
11	Canada	YKAC Yellowknife	62.49 N	114.61 W	array
12	Canada	SCH Schefferville	54.82 N	66.78 W	3-C
13	South Africa	BOSA Boshof	28.61 S	25.56 E	3-C
14	Tunisia	THA Thala	35.56 N	08.70 E	3-C
15	Kenya	KMBO Kilima Mbogo	01.27 S	36.80 E	3-C
16	Ivory Coast	DBIC Dimbroko	06.67 N	04.86 W	3-C
17	Central African Republic	BGCA Bangui	05.18 N	18.42 E	3-C
18	Niger	New Site	to be determined	to be determined	3-C > array
19	Egypt	LXEG Luxor	26.00 N	33.00 E	array
20	Saudi Arabia	New Site	to be determined	to be determined	array
21	Spain	ESDC Sonseca	39.68 N	03.96 W	array
22	Germany	GECO Freyung	48.85 N	13.70 E	array
23	Finland	FINES Lahti	61.44 N	26.08 E	array
24	Norway	NAO Hamar	60.82 N	10.83 E	array
25	Norway	ARAO Karasjok	69.53 N	25.51 E	array

26	Turkey	BRTR Belbashi	39.87 N	32.79 E	array
27	Russian Federation	KBZ Khabaz	43. 73 N	42.90 E	3-C
28	Russian Federation	ZALR Zalesovo	53.94 N	84.81 E	3-C > array
29	Russian Federation	NRIL Norilsk	69.40 N	88.10 E	3-C
30	Russian Federation	PDYO Peleduy	59.63 N	112.70 E	array
31	Russian Federation	PTKM Petropavlovsk-Kamchatsky	53.12 N	157.78 E	3-C > array
32	Russian Federation	USU Ussuriysk	44.28 N	132.08 E	3-C > array
33	Ukraine	AKASG Malin	50.42 N	29.12 E	array
34	Kazakhstan	AKTO Aktubinsk	50.43 N	58.02 E	3-C > array
35	Turkmenistan	GEYT Alibeck	37.93 N	58.12 E	array
36	Pakistan	PRPK Pari	33.65 N	73.25 E	array
37	Iran (Islamic Republic of)	THR Tehran	35.82 N	51.39 E	3-C
38	India	GBAO Gauribidanur	13.60 N	77.44 E	array
39	Mongolia	JAVM Javkhlant	47.99 N	106.77 E	3-C > array
40	China	HAI Hailar	49.27 N	119.74 E	3-C > array
41	China	LZH Lanzhou	36.09 N	103.84 E	3-C > array
42	Republic of Korea	KSRS Wonju	37.45 N	127.92 E	array
43	Japan	MJAR Matsushiro	36.54 N	138.21 E	array
44	Thailand	CMTO Chiang Mai	18.82 N	98.95 E	array
45	France	PPT Tahiti	17.57 S	149.57 W	3-C
46	Australia	WRAO Warramunga	19.94 S	134.34 E	array
47	Australia	ASAO Alice Springs	23.67 S	133.90 E	array
48	Australia	STKA Stephens Crk	31.88 S	141.59 E	3-C
49	Antarctica	VNDA Vanda	77.51 S	161.85 E	3-C
50	Antarctica	MAW Mawson	67.60 S	62.87 E	3-C

3-C > array : Indicates that the site could start operations in the International Monitoring System as a three-component station and be upgraded to an array at a later time.

Table 1-B **List of Seismological Stations Comprising the Auxiliary Network**

State	Location	Lat	Long	Type	Commit]]

Part 2: Radionuclide Monitoring 9/ 10/

[7. Each State Party [to the Treaty] undertakes to co-operate in an international exchange of [radionuclide] data [on radionuclides in the atmosphere] [to assist in the verification of [compliance with] the Treaty] [which are relevant to the detection and identification of nuclear explosions, referred to in the rest of this Part as "radionuclides in the atmosphere"]. This co-operation shall include the establishment and operation of a network of radionuclide monitoring stations to measure particulates [and noble gases] in the atmosphere. The stations shall provide data [promptly to the International Data Centre] [in accordance with agreed procedures to the International Data Centre].

8. The specified network of [radionuclide] stations [to measure radionuclides in the atmosphere] shall consist [initially] of [the stations [and other means] specified in Table 2 11/ annexed to this Protocol, and comprise] an overall network of [50] [75] [100] [stations] [20 stations and 3 airborne laboratories] capable of monitoring for the presence of relevant particulate matter in the atmosphere[, of which [50] [75] [all] [stations] [10 stations and the three airborne laboratories] shall also be capable of monitoring for the presence of relevant noble gases]. These stations [and other means] shall fulfil the technical and operational requirements specified in the Operational Manual for [Surveillance of and International Exchange of Data on Radionuclides in the Atmosphere] [Radionuclide Monitoring and the International Exchange of Radionuclide Data].

9. [The Technical Secretariat shall, subject to the prior approval of the Executive Council, provide technical assistance to establish, operate and maintain new radionuclide stations in regions of the world where there is a lack of such stations.]

9/ Due to the technical nature of the deliberations on formulating the final provisions on non-seismic verification technologies, a delegation suggested to continue the detailed technical discussions in the Preparatory Commission.

10/ Should existing international organizations, such as the World Meteorological Organization, have to play a role in the monitoring system, this might also have to be mentioned below.

11/ The Chair of Working Group 1 has, through the appointment of a Friend of the Chair, initiated the task of making a world-wide inventory of radionuclide monitoring means. The determination of a final list of radionuclide monitoring means to be included as part of the IMS will depend on technical considerations and political decisions. The preparation of this list is without prejudice to whether or how the list will be included in the Treaty.

[10. When so requested in accordance with ... , each State Party undertakes to co-operate with the Technical Secretariat in the establishment and operation on mutually-agreeable terms, of [national, regional and] certified laboratories on its territory, within areas under its jurisdiction or control[, or elsewhere in conformity with international law]. These laboratories, [specified in Table 2,] shall, in accordance with procedures in the Operational Manual on Radionuclide Monitoring and the International Exchange of Radionuclide Data, undertake sample measurement and analysis as required in support of the operation of the radionuclide monitoring network and of the International Data Centre.]

[11. When so requested in accordance with ... , each State Party undertakes to co-operate with the Technical Secretariat in the operation on mutually-agreeable terms, and international deployment of air-mobile radionuclide monitoring capabilities in addition to ground-based elements of the radionuclide monitoring network. The Technical Secretariat shall co-ordinate the deployment of three airborne laboratories for this purpose, in accordance with procedures in the Operational Manual on Radionuclide Monitoring and the International Exchange of Radionuclide Data.]

[12. The International Data Centre shall receive all measurements on radionuclides in the atmosphere contributed to the international exchange by its participants and routinely process [and analyse] these measurements according to established procedures [with the aim of detecting, identifying and locating significant events indicating a possible nuclear explosion in the atmosphere, underground or underwater]. States Parties hosting station(s) in the radionuclide network will provide measurements on a ... basis and will also provide measurements on request from the International Data Centre. [The Centre shall, at the request by a State Party, evaluate an observed release of radionuclides in the atmosphere as well as the time and location of the source.] [The Centre shall, at the request by a State Party, assist in the determination of the origin, time and location of the source of a release of radionuclides in the atmosphere.] [In this analysis, relevant wind trajectories obtained from meteorolcgical data shall be used.] The results [of the analysis] shall be distributed to all States Parties within ... , and the records thereof be kept at the Centre.]

[Table 2: Radionuclide Stations [and other Means] Incorporated into the International Monitoring System

State	Location	Latitude	Longitude	Type (Noble gas or Particulate or both)]

[Table 2 List of Stations to Measure Radionuclides in the Atmosphere

2A List of Stations Monitoring Particulates

State	Station

2B List of Stations Monitoring Noble Gases

State	Station]]

Part 3: Hydroacoustic Monitoring

[13. Each State Party to the Treaty undertakes to co-operate in an international exchange of hydroacoustic data [to assist in the verification of [compliance with] the Treaty] [which is relevant to the detection and identification of underwater nuclear explosions, referred to in the rest of this Part as "hydroacoustic data"]. [This co-operation shall include the establishment and operation of a network of hydroacoustic stations. These stations shall provide data [promptly] [in accordance with agreed procedures] to the International Data Centre.] [This co-operation shall include the establishment and operation of a network of hydroacoustic stations operating with agreed specifications. These stations shall be co-ordinated by the Technical Secretariat and provide data to the International Data Centre in accordance with agreed procedures.]

14. The specified network of hydroacoustic stations shall consist [initially] of [the stations specified in Table 3, annexed to this Protocol, and comprise] an overall network of [2 hydroacoustic arrays, 4 hydrophone stations and 5 island/coastal seismic stations 12/] [2 hydroacoustic arrays and 9 fixed cable stations]. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Hydroacoustic Monitoring and the International Exchange of Hydroacoustic Data. [Data from the stations shall be transmitted promptly to the International Data Centre.]

[Table 3 Hydroacoustic Stations Incorporated into the International Monitoring System

State	Location	Latitude	Longitude	Type]]

Part 4: Infrasound Monitoring

[15. Each State Party to the Treaty undertakes to co-operate in an international exchange of infrasound data to assist in the verification of compliance with the Treaty. This co-operation shall include the establishment and operation of a network of infrasound stations. These stations shall provide data in accordance with agreed procedures to the International Data Centre.

12/ This option was recommended by the IMS Expert Group on 25 August 1995.

16. The specified network of infrasound stations shall consist of [the stations specified in Table 4, annexed to this Protocol, and comprise] an overall network of [60] [70] stations. 13/ These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Infrasound Monitoring and the International Exchange of Infrasound Data.

[Table 4 **Infrasound Stations Incorporated into the International Monitoring System**

State	Location	Latitude	Longitude	Type]]

[Part 5: **Satellite Monitoring**

17. Each State Party, as appropriate, undertakes to co-operate with the Technical Secretariat in the application of satellite monitoring to assist in the verification of compliance with the Treaty.

18. Each State Party, as appropriate, undertakes to transmit all data of relevance to nuclear explosion detection obtained by the satellite(s), owned by the State Party, which have nuclear explosion sensing capabilities directly to ground receiving Stations designated by the Organization in accordance with the Operational Manual for International Exchange of Satellite Data.

19. Each State Party, as appropriate, on the basis of consultation and agreements with the Organization, undertakes to co-operate with the Technical Secretariat to carry nuclear explosion sensing equipment(s) provided by the Organization aboard suitable satellite(s) in its possession, and to transmit all data acquired by these equipment(s) directly to ground receiving stations designated by the Organization in accordance with the Operational Manual for International Exchange of Satellite Data.

20. Each State Party, as appropriate, undertakes to transmit on-line all the satellite monitoring data received and processed by ground station(s) designated by the Organization on the States Party's territory and in places under its jurisdiction or control to the International Data Centre in accordance with the Operational Manual of International Exchange of Satellite Data.

21. The International Data Centre shall process and distribute the satellite monitoring data to all States Parties and ensure that all States Parties shall have full access to such data.]

13/ The determination of a final infrasound monitoring network, which might differ from the above options, to be included as part of the IMS will depend on technical considerations and political decisions. The preparation of a listing of the stations in such a network would be without prejudice to whether or how the list will be included in the Treaty.

[Part 6: Electromagnetic Pulse Monitoring

22. Each State Party undertakes to co-operate with the Technical Secretariat in the establishment and operation of designated Electromagnetic Pulse Monitoring stations and related communication facilities on its territory or in places under its jurisdiction or control. The establishment of such stations shall be carried out in accordance with Article ... of the Treaty.

23. The Technical Secretariat shall, in co-operation with the States Parties, direct and supervise the establishment and co-ordinate the operation of the network of Electromagnetic Pulse Monitoring stations.

24. This network shall consist of up to 59 stations as specified in Table 5, annexed to this Protocol. These stations shall fulfil the technical and operational requirements specified in the Operational Manual for EMP Monitoring and the International Exchange of EMP Data.

25. All EMP monitoring stations, National Data Centres and the EMP Data Processing Centre under the International Data Centre, should use uniform standard software in storing, analysing and transmitting data received.

26. The cost for the establishment, operation and maintenance of the EMP monitoring system shall be borne by the Treaty Organization. To minimize the cost for deployment, existing stations shall be utilized as far as possible, with necessary technical upgrading if required.

27. The Technical Secretariat shall immediately trigger the appropriate atmospheric radionuclide monitoring stations if the analysis of the detected ambiguous electromagnetic pulse data indicates possible occurrence of a nuclear explosion, in accordance with the Operational Manual for EMP Monitoring and the International Exchange of EMP Data.

28. States Parties shall have the right to access to all data obtained by the EMP monitoring system through the International Data Centre.

Table 5 **Electromagnetic Pulse Stations Incorporated into the International Monitoring System**

State	Location	Latitude	Longitude	Type]

Part 7: Criteria for Identification of Significant Events

Pursuant to Paragraph 18a [WP.146] criteria for the identification of significant events from the International Monitoring System monitored data should be formulated here. They should cover the detection, identification and location of events which indicate a possible nuclear explosion with a sufficiently high degree of confidence. These should be composite criteria, allowing for synergy between the International Monitoring System networks (c.f. WP.117).

The criteria should define the smallest area of uncertainty for the location of an explosion, consistent with the precision of the monitoring networks which are relevant to the specific event and specific site, taking into account the technical characteristics of the networks.

Any other technical information which may further reduce uncertainties of detection, identification and location should be clearly defined.

The criteria should be developed by a group of experts.

Part 8: Use of Satellite Data and Other Methods

Part 8 needs further technical consideration. This part could cover all those monitoring techniques which would not become part of the International Monitoring System.

As a reminder:

Overhead imagery capabilities for verification purposes could be achieved from the dual-use (military/civilian) characteristics of existing space-based and airborne systems.

[29. Each State Party undertakes to make satellite image data available on terms to be agreed with the Technical Secretariat. The Technical Secretariat shall, upon request, assist States Parties in the processing of satellite image data to facilitate the interpretation of events relevant to this Treaty. The procedures to be used by the Technical Secretariat shall be those laid down in the Operational Manual for Satellite Data Processing.

30. The Technical Secretariat shall facilitate co-operation among States Parties in using additional means of verification which any State Party may find useful. The Technical Secretariat shall receive, compile and circulate any data relevant to the verification of this Treaty which any State Party makes available.

31. The Technical Secretariat shall, in consultation with [the States Parties and] the Scientific Advisory Board [and subject to approval by the Conference], provide technical assistance to establish, operate and maintain any additional means of verification.

32. Additional means of verification of compliance with this Treaty may include acoustic and ionospheric measurements in the atmosphere.]

Part 9: Procedures for International Monitoring

It should be considered whether language would be needed for procedures covering the relationship between the Technical Secretariat and e.g. nationally owned and operated monitoring stations, national authorities, national data centres, certified laboratories.

[Part 10: Security of the Global Data Exchange System and Authentication of Data to be Exchanged within the International Monitoring System

33. Each State Party to the Treaty undertakes to co-operate with other States Parties and with the Organization in the creation, the development and the implementation of techniques suited to strengthening the security of the global data exchange system and the authentication of such data.

34. Each State Party to the Treaty shall be responsible for implementing and strengthening the security and data authentication procedures related to the stations and facilities located on its national territory as well as to the transmission of data from such stations and facilities to the International Data Centre.

35. The Technical Secretariat shall negotiate, on behalf of the Organization, agreements with States Parties or other States, as appropriate, for implementing and strengthening the security and data authentication procedures related to the stations and facilities not located on the national territory of any State Party as well as to the transmission of data from such stations and facilities to the International Data Centre.

Such agreements shall include provisions detailing the arrangements for meeting the relevant requirements. The agreements shall be submitted to the Conference for approval, and subsequent amendments shall be subject to prior approval by the Executive Council.

36. The Technical Secretariat shall monitor the quality of the security and data authentication procedures and evaluate their overall performance in accordance with the procedures set forth in the relevant Operational Manual.]

ON-SITE INSPECTION

[Part 1: General Rights and Obligations]

[General Rules]

[37. The [rules and] procedures in this Part shall be implemented pursuant to the provisions for on-site [international] inspection set out in Article ... of this Treaty. [The [rules and detailed procedures] [definitions and detailed arrangements] for on-site inspections shall be set out in the Manual for [International] On-Site Inspections.]

38. The sole purpose of an [international] on-site inspection pursuant to this Part shall be to clarify and resolve, in accordance with Article ... of the Treaty, any [questions concerning possible non-compliance with [the basic obligation of] the Treaty] [suspicious events detected by an International Monitoring System].

[39. The sole purpose of an on-site inspection shall consist in determining whether or not an ambiguous event detected on the basis of International Monitoring System data or national technical means data has been a nuclear explosion carried out in violation of the basic obligations under the Treaty and, if it is determined that such a violation has taken place, in identifying to the extent possible the State Party which has violated the Treaty as well as in ascertaining other circumstances related to the non-compliance with the Treaty basic obligations.]

[40. Technical preparation for conducting an on-site inspection and facilitating the activities of an inspection team shall be carried out by the [Technical Secretariat] [Organization] under the direction of the Director-General. The Director-General shall assume responsibility for the activities of an inspection team, its security and the protection of classified information. The [Technical Secretariat] [Organization] shall prepare for consideration and approval by the Conference an Operational Manual for International On-Site Inspections and standard reporting forms on the outcome of on-site inspections.]

[41. All requests and notifications by States Parties to the Organization shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of this Treaty. In his responses the Director-General shall use the language of a request or notification transmitted to him.]

[42. Not later than 30 days after the entry into force of this Treaty the Director-General circulates to all States Parties standard request and notification forms containing items necessary for this section of the Protocol. Requests and notifications, which deviate from the standard form, shall not be considered. In that case the Director-General shall promptly inform the requesting or notifying State Party that its request or notification is not consistent with the standard form and shall indicate the specific inconsistency.]]

[Part 2: Standing Arrangements]

[Designation of Inspectors]

43. [An [international] on-site inspection shall be carried out by personnel and experts of the [Technical Secretariat] [Organization] designated as inspectors, assisted by other experts [also designated as inspectors] [who can be mobilized very rapidly], on a list to be maintained by the [Technical Secretariat] [Organization].]

[44. An on-site inspection shall only be performed by qualified inspectors and inspection assistants especially designated for this function by the Director-General. Inspectors shall be experts from the [Technical Secretariat] [Organization] personnel and from States Parties and shall be designated on the basis of their expertise and experience in the relevant fields of on-site inspection. The professional duties of the on-site inspection shall be performed only by inspectors. Inspection assistants shall be designated from the [Technical Secretariat] [Organization] personnel for the non-professional duties of the on-site inspection. The inspectors and inspection assistants shall be certified by the [Technical Secretariat] [Organization] and shall be approved in advance by the States Parties, as provided in paragraphs 47-51. The [Technical Secretariat] [Organization] shall maintain and update a list of certified and approved inspectors and inspection assistants. The inspection team shall be headed by an inspector from the [Technical Secretariat] [Organization].]

[45. Not later than 30 days after the entry into force of this Treaty each State Party shall notify the Director-General of the names, dates of birth, sex, ranks, qualifications and professional experience of the persons proposed by the State Party to the inspector list.]

46. The Director-General shall determine the size of the inspection team and select its members from [personnel and experts of the [Technical Secretariat] [Organization] designated as inspectors] [the inspector list] [the [Technical Secretariat] [Organization] and non-[Technical Secretariat] [Organization] inspectors and inspection assistants on the maintained list], taking into account the circumstances of a particular request. [In addition, members of the inspection team may include other experts designated as inspectors when, in the view of the Director-General [and/or the Member States], expertise not available in the [Technical Secretariat] [Organization] is required.] The size of the inspection team shall be kept to the minimum necessary for the proper fulfilment of the inspection mandate. No national of the requesting State Party or the inspected State Party shall be a member of the inspection team. [The inspection team shall be headed by an authorized representative of the Director-General. A nomination for the leader of the inspection team shall be proposed by the Director-General and shall be approved by the Executive Council.]

47. Not later than [30] [60] days after the entry into force of this Treaty the [Technical Secretariat] [Organization] shall communicate, in writing to all States Parties, the names, nationalities and ranks of the inspectors [and/or inspection assistants] proposed for designation, as well as a description of their qualifications and professional experience.

48. Each State Party shall immediately acknowledge receipt of the list of inspectors [and/or inspection assistants] proposed [for designation] [to be designated]. Any inspector [and/or inspection assistants] included [in this list] shall be regarded as accepted unless a State Party, not later than [30] days after acknowledgment of receipt of the list, declares its non-acceptance in writing. The State Party may include the reason for the objection. In the case of non-acceptance, the [proposed] inspector [and/or inspection assistants] shall not undertake or participate in verification activities on the territory or in any other place under the jurisdiction or control of the State Party which has declared its non-acceptance. [The [Technical Secretariat] [Organization] shall immediately confirm receipt of the notification of objection.]

[49. The [Technical Secretariat] [Organization] shall, as necessary, submit further proposals for the designation of inspectors [and/or inspection assistants] in addition to the initial list, and in any case keep the list [updated on a regular basis] [of designated inspectors up to date].]

[50. Each State Party may at any time propose to change its representatives on the inspector list. Each State Party shall promptly notify the Director-General if a representative of the State Party cannot fulfil the duties of an inspector and shall state the reason for it. The Director-General shall annually update the inspector list, taking into account proposals by State Parties and shall notify all States Parties about the replacements on the inspector list.]

51. Subject to the provision in paragraph 52, a State Party has the right at any time to object to an inspector [and/or inspection assistant] who has already been accepted. It shall notify the [Technical Secretariat] [Organization] of its objection in writing and [shall] [may] include the reason for the objection. Such objection shall come into effect 30 days after receipt by the [Technical Secretariat] [Organization]. [The [Technical Secretariat] [Organization] shall immediately confirm receipt of the notification of objection and inform the State Party of the date on which the inspector will cease to be designated for that State Party.]

52. A State Party that has been notified of an inspection shall not seek to have removed from the inspection team any of the [designated] inspectors [and/or inspection assistants] named in the inspection team list.

53. The number of inspectors [and/or inspection assistants] accepted by a State Party must be sufficient to allow for availability and rotation of appropriate numbers of inspectors [and/or inspection assistants].

54. If, in the opinion of the Director-General, the non-acceptance of proposed inspectors [and/or inspection assistants] impedes the designation of a sufficient number of inspectors [and/or inspection assistants] or otherwise hampers the effective fulfilment of the tasks of the [Technical Secretariat] [Organization], the Director-General shall refer the issue to the Executive Council.

55. The members of the inspection team carrying out an inspection of a facility of a State Party located on the territory of another State Party shall be designated in accordance with the procedures set forth above as applied both to the inspected State Party and the host State Party.

[56. Each person included in the inspector list shall receive relevant training. Such training shall be provided by the [Technical Secretariat] [Organization] pursuant to the procedures spelled out in the Operational Manual for On-Site Inspections. The [Technical Secretariat] [Organization] shall prepare and annually agree upon with the States Parties a schedule of education and training of inspectors.]

[57. Whenever amendments to the above-mentioned lists of inspectors are necessary or requested, replacement inspectors shall be designated in the same manner as set forth with respect to the original list.]

Privileges and Immunities [of Inspectors]

58. Each State Party shall, not later than 30 days after acknowledgment of receipt of the list of inspectors or of changes thereto, provide multiple entry/exit and/or transit visas and other such documents to enable each inspector to enter and to remain on the territory of that State Party for the purpose of carrying out inspection activities. These documents shall be valid for at least two years after their provision to the [Technical Secretariat] [Organization].

59. To exercise their functions effectively, [members of] inspection teams shall be accorded privileges and immunities as set forth in sub-paragraphs (a) to (i). Privileges and immunities shall be granted to members of the inspection team for the sake of this Treaty and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the inspected State Party, and thereafter with respect to acts previously performed in the exercise of their official functions.

(a) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

(b) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to this Treaty shall be accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations.

(c) The papers and correspondence, including records, of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the [Technical Secretariat] [Organization].

Treaty and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant regulations.

(e) The members of the inspection team shall be accorded the immunities accorded to diplomatic agents pursuant to Article 31, paragraphs 1, 2 and 3, of the Vienna Convention on Diplomatic Relations.

(f) The members of the inspection team carrying out prescribed activities pursuant to this Treaty shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.

(g) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

(h) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.

(i) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party.

60. When transiting the territory of non-inspected States Parties, the members of the inspection team shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and correspondence, including records, and samples and approved equipment, carried by them, shall be accorded the privileges and immunities set forth in paragraph 59 (c) and (d).

61. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State. If the inspected State Party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held between the State Party and the Director-General to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

62. The immunity from jurisdiction of members of the inspection team may be waived by the Director-General in those cases when the Director-General is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of this Treaty. Waiver must always be express.

63. Observers shall be accorded the same privileges and immunities

Points of Entry

64. Each State Party shall designate the points of entry and shall supply the required information to the [Technical Secretariat] [Organization] not later than 30 days after this Treaty enters into force for it. These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within [12] [24] hours. Locations of points of entry shall be provided to all States Parties by the [Technical Secretariat] [Organization].

65. Each State Party may change the points of entry by giving notice of such change to the [Technical Secretariat] [Organization]. Changes shall become effective 30 days after the [Technical Secretariat] [Organization] receives such notification to allow appropriate notification to all States Parties.

66. If the [Technical Secretariat] [Organization] considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

Arrangements for Use of Non-scheduled Aircraft

67. [For inspections where] [For conducting inspections as well as in cases where] timely travel is not feasible using scheduled commercial transport, an inspection team may need to utilize aircraft owned or chartered by the [Technical Secretariat] [Organization]. Not later than 30 days after this Treaty enters into force for it, each State Party shall inform the [Technical Secretariat] [Organization] of the standing diplomatic clearance number for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into and out of the territory in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon between the States Parties and the [Technical Secretariat] [Organization] as the basis for such diplomatic clearance.

68. When a non-scheduled aircraft is used, the [Technical Secretariat] [Organization] shall provide the inspected State Party with a flight plan, through the National Authority, for the aircraft's flight from the last airfield prior to entering the airspace of the State in which the inspection site is located to the point of entry, not less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. For its owned or chartered flights, the [Technical Secretariat] [Organization] shall include in the remarks section of each flight plan the standing diplomatic clearance number and the appropriate notation identifying the aircraft as an inspection aircraft.

69. Not less than three hours before the scheduled departure of the

approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

[70. Where necessary the leader of an inspection team and a representative of the inspected State Party shall agree on a basing area and a flight plan from the point of entry to the basing area on aircraft owned by the [Technical Secretariat] [Organization] or chartered by it which shall be used to conduct inspections in the inspected area and to transport the inspection team and the equipment to the inspected area.]

71. The inspected State Party shall provide parking, security protection, servicing and fuel as required by the [Technical Secretariat] [Organization] for the aircraft of the inspection team at the point of entry [and in the basing area] when such aircraft is owned or chartered by the [Technical Secretariat] [Organization]. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. The [Technical Secretariat] [Organization] shall bear the cost of such fuel, security protection and servicing.

Administrative Arrangements

72. The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, transportation, working space, lodging, meals, and medical care. In this regard, the inspected State Party shall be reimbursed by the Organization for such costs incurred by the inspection team.

[73. The inspected State Party shall designate its representative for interaction with an inspection team.]

[74. In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the challenge inspection.] 1/

Approved Inspection Equipment

75. Subject to paragraph 77, there shall be no restriction by the inspected State Party on the inspection team bringing onto the inspection site such equipment, approved in accordance with paragraph 76, which the [Technical Secretariat] [Organization] has determined to be necessary to fulfil the inspection requirements. The [Technical Secretariat] [Organization] shall prepare and, as appropriate, update a list of approved equipment, which may be needed for the purposes described above, and regulations governing such equipment which shall be in accordance with this Protocol. In establishing the list of approved equipment and these regulations, the [Technical Secretariat] [Organization] shall ensure that safety [and confidentiality] considerations for all the types of [facilities] [locations] at which such equipment is likely to be used, are taken fully into account. A list of

76. The equipment shall be in the custody of the [Technical Secretariat] [Organization] and be designated, calibrated and approved by the [Technical Secretariat] [Organization]. The [Technical Secretariat] [Organization] shall, [to the extent possible,] select that equipment which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorized alteration.

Position on "certification": Should a State Party provide some equipment for a specific on-site inspection, some sort of special certification will need to be worked out (WP.90).

77. The inspected State Party shall have the right, without prejudice to the prescribed time-frames, to [inspect the equipment] [check that the equipment is in conformity with the standard approved equipment] in the presence of inspection team members at the point of entry, i.e., to check the identity of the equipment brought in or removed from the territory of the inspected State Party. To facilitate such identification, the [Technical Secretariat] [Organization] shall attach documents and devices to authenticate its designation and approval of the equipment. [The inspection of the equipment shall also ascertain to the satisfaction of the inspected State Parties that the equipment meets the description of the approved equipment for the particular type of inspection.] The inspected State Party may exclude equipment [not meeting that description or] without the above-mentioned authentication documents and devices. [Procedures for the inspection of equipment shall be considered and approved by the Conference.]

78. In cases where the inspection team finds it necessary to use equipment available on site not belonging to the [Technical Secretariat] [Organization] and requests the inspected State Party to enable the team to use such equipment, the inspected State Party shall comply with the request to the extent it can.

It has been suggested that the Technical Secretariat should attempt to acquire satellite imagery of the inspection area. Should this be approved, some provisions might have to be developed in this regard.

[Part 3: Procedures for Requesting an Inspection] [Notification of Inspections of [Localities] [Areas] under the Jurisdiction and Control of a State Party]

[Request for Conducting an Inspection]

79. [The request for an inspection to be submitted to the Executive Council and the Director-General shall contain at least the following information:

(a) The State Party to be inspected;

(b) The size and [type] [location] [nature] [and location] of the possible non-compliance as well as [all appropriate information [obtained through the International Monitoring System] on the basis of which the concern has arisen] [evidence of the possible non-compliance including use of nationally-owned facilities];

(d) The name of the observer of the requesting State Party; and

(e) The point of entry to be used;

(f) The requesting State Party may submit any additional information it deems necessary.]

[80. The request for an inspection by the requesting State Party shall contain the following information:

(a) The name of the inspected State Party or indication that a violation could occur in an area not under the jurisdiction of any State;

(b) The presumable type of a nuclear explosion (underground, under water, in the atmosphere);

(c) The estimated time of violation with indication of possible error;

(d) The estimated geographic co-ordinates of the place of violation with indication of possible error;

(e) Factual data from the global monitoring network and/or national means of verification which were the basis for a request for inspection and evidence of the conduct of a nuclear explosion;

(f) Boundaries of the proposed area for inspection;

(g) Suggested types of activity by an inspection team in the inspected area; and

(h) The name of the observer from the requesting State Party. The requesting State Party may also submit any additional information it deems necessary.]

[81. A State Party requesting an on-site inspection pursuant to paragraph ... of Article ... shall submit an inspection request to the Director-General. The request shall contain at least the following information:

(a) The State Party to be inspected;

(b) The type, size and location of the site where the suspected nuclear explosion has allegedly taken place and the requested perimeter surrounding the inspection site:

specific site, in accordance with Part 7 of Section ... (International Monitoring System) of the Protocol;

(ii) The size of the inspection site shall in no case exceed ... km^2 or a distance of ... km in any direction;

(iii) The perimeter of the inspected site shall be specified on a map to the nearest second.

(c) The nature and circumstances of the alleged nuclear explosion, including at least:

(i) Time of occurrence;

(ii) Environment;

(iii) Approximate yield.

(d) All reliable evidence and any other information upon which the request is based;

(e) The explanations provided by the suspected State Party, if available;

(f) The name of the observer of the requesting State Party.

The requesting State Party may submit any additional information it deems necessary.]

[82. Pursuant to paragraph ... of Article ... the inspection request submitted by the [Technical Secretariat] [Organization] to the Executive Council shall include:

(a) The original request and all additional information submitted by the requesting State Party, as applicable;

(b) The explanations and any other additional information submitted by the suspected State Party pursuant to paragraph ... of Article ... ;

(c) The report of the [Technical Secretariat] [Organization], comprising the experts' evaluation of the alleged nuclear explosion and their recommendations;

(d) The revised type, size and location of the site where the suspected nuclear explosion has allegedly taken place and the requested perimeter surrounding the inspection site:

(i) The inspection site shall consist of a continuous area, the size of which shall be the smallest compatible with:

(1) The precision and other characteristics of those monitoring networks which are relevant to the specific event and to the specific site, in accordance with

Part 7 of Section ... (International Monitoring System) of the Protocol;

(2) All other relevant information provided during the [Technical Secretariat] [Organization] experts' evaluation of the request, including that provided by the State Parties involved;

(ii) The size of the inspection site shall in no case exceed ... km^2 or a distance of ... km in any direction;

(iii) The perimeter of the inspected site shall be specified on a map to the nearest second;

(e) The revised nature and circumstances of the alleged nuclear explosion including at least:

(i) Time of occurrence;

(ii) Environment;

(iii) Approximate yield.]

[Procedures for Consideration of a Request and for Adoption of a Decision to Conduct Inspections]

[83. The Director-General shall issue to the head of an inspection team a mandate to conduct an inspection. The mandate for an inspection shall contain:

(a) The name of the inspected State Party or shall indicate that a violation could occur in an area not under the jurisdiction of any State;

(b) The boundaries of the site to be inspected;

(c) The planned types of activity of the inspection team at the site to be inspected;

(d) The estimated date of the inspection and its duration;

(e) The point of entry;

(f) The estimated date of arrival of the inspection team at the point of entry;

(g) The estimated date of arrival of observers at the point of entry;

(h) The estimated date of arrival of equipment at the point of entry;

(i) The name of the head of the inspection team;

best copy available

(j) The names of inspectors of the inspection team;

(k) The name of an observer; and

(l) The list of equipment.]

84. [Notifications made by the Director-General shall include the following information:

[(a) The inspection request submitted by the [Technical Secretariat] [Organization] with all its annexes;

(b) The decision of the Executive Council;]

(c) The point of entry;

(d) The date and estimated time of arrival at the point of entry;

(e) The means of arrival at the point of entry;

(f) [The [locality] [location] [boundaries] of the site to be inspected;]

(g) The names of inspectors [as well as observers] and other members of the inspection team;

(h) If appropriate, aircraft clearance for special flights [;

(i) Types of activity of an inspection team in the inspection area;

(j) The estimated date and duration of an inspection;

(k) The list of equipment;

(l) The list of equipment which the Director-General requests to transport from the point of entry to the inspected area; and

(m) The list of equipment which the Director-General requests to be given to the inspection team in the inspection area.]

[(n) The name and details of the observer of the requesting Party, as applicable].]

85. [The site to be inspected must consist of a continuous area, not exceeding [1,000] [100] km^2 or a distance of [50] [5] km in any direction.]

[86. The requesting State Party shall notify the Director-General of the location of the inspection site in due time for the Director-General to be able to include this information in the notification to the inspected State Party referred to in paragraph ... . The Director-General shall also convey to the Executive Council the information on the location of the inspection site.]

[87. The requesting State Party shall designate the inspection site as specifically as possible using geographic co-ordinates. If possible, the requesting State Party shall also provide a map with a general indication of the inspection site.]

88. [The inspected State Party shall acknowledge the receipt of a notification by the [Technical Secretariat] [Organization] of an intention to conduct an inspection, not later than [1 hour] [12 hours] after receipt of such notification.]

[Notification of] [Procedures for] Inspections of [Localities] [Areas] not under National Jurisdiction

89. [The Director-General may authorize, following a request from [the [Technical Secretariat] [Organization] or from] a State Party, an inspection of an area beyond national jurisdiction in order to clarify and resolve concerns regarding possible non-compliance with the Treaty.]

90. [[A State Party requesting such an inspection shall lodge particulars as to] [The inspection request shall contain at least the following information]:

(a) The [locality] [location] of the inspection site;

(b) The concern regarding possible non-compliance with the Treaty, including specification of the relevant provisions of the Treaty about which the concern has arisen, [and of the nature and circumstances of the possible non-compliance] as well as all appropriate information on the basis of which the concern has arisen; and

(c) The name of the observer of the requesting State Party [as applicable].]

[Part 4: Pre-Inspection Activities]

[Entry into the Territory of the Inspected State Party and Transfer to the Inspection Site]

91. The inspected State Party which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall through an in-country escort or by other means do everything in its power to ensure the safe conduct of the inspection team and its [baggage,] equipment and supplies, from its point of entry to the inspection site(s) [not later than 36 hours after arrival at the point of entry, if no other timing has been agreed upon] and to a point of exit.

[92. Pursuant to paragraph ... , the inspected State Party shall inspect the equipment of the inspection team at the point of entry. That inspection shall be completed within the time-frame specified in paragraph ... .]

93. [The inspected State party shall, as necessary, assist the inspection team in reaching the inspection site not later than [12] [36] [48] hours after the arrival at the point of entry.]

[Pre-Inspection Briefing and Inspection Plan]

[94. Upon arrival at the inspection site and before commencement of the inspection, the inspection team shall be briefed by the inspected State Party representatives on safety and confidentiality issues and on administrative and logistic arrangements. The inspected State Party shall indicate sensitive locations within the inspection perimeter that are not related to the purpose of the inspection.]

[95. After the pre-inspection briefing, the inspection team shall prepare an initial inspection plan which specifies the activities to be carried out by the inspection team. The inspection plan shall be made available to the representatives of the inspected State Party. Its implementation shall be consistent with the provisions of Sections ... (Conduct of Inspection, Access Regime, Safety, Confidentiality).]

[Verification of Location]

[96. To help establish that the inspection site to which the inspection team has been transported corresponds to the inspection site specified by the requesting State Party, the inspection team shall have the right to use approved location-finding equipment and to have such equipment installed according to its directions. The inspection team may verify its location by reference to local landmarks identified from maps. The inspected State Party shall assist the inspection team in this task.]

[Part 5:] Conduct of Inspections

General Rules

97. [The inspection team shall begin its inspection in the specified area to be inspected not later than [seven days] after it receives [a [request] [mandate] for inspection from the Executive Council [or the Director-General]] [the inspection mandate from the Director-General].] The members of the inspection team shall discharge their functions in accordance with the provisions of this Treaty [, elaborated in the Operational Manual for International On-Site Inspections].

[98. Immediately before taking measurements the members of an inspection team shall check up the working condition of the equipment brought to the inspection area by the inspected State Party. In case of equipment getting out of order during transportation the Director-General can extend the mandate in order to replace the deficient equipment.]

[99. On-site inspections can be conducted with the use of the following technologies:

(a) Topographic work for the purposes of determining the real co-ordinates of the inspection area and the co-ordinates of points where measurements shall be carried out in the area designated for inspection;

(b) Visual observations of the area including observations from aircraft, above water or submarine craft;

(c) Photo and video picture-taking in different wave lengths including photography from aircraft, above water and submarine craft;

(d) Taking samples of gas, soil and liquids from wells (up to 20 m deep) for the purposes of determining concentration of radioactive products of an explosion, including radioactive noble gases and tritium, as well as the content of stable gases, such as CO_2, CH_4, H_2;

(e) Measurement of radionuclide activity in the atmosphere, on the ground surface, underground, underwater, including remote spectral gamma survey from an aircraft or a submarine craft;

(f) Seismological survey of the inspected area with the use of passive and active seismic measurement methodology and of electric- and hydrodynamic pulse sources or explosions of individual charges of explosives;

(g) Geophysics study of the area, including magnetic, gravitational, and thermal measurements and measurements of the soil conductivity from an aircraft; and

(h) Drilling into the area of an estimated underground nuclear test for the purposes of obtaining radioactive products of an explosion.]

[100. An area for an inspection shall be proposed by the Director-General, taking into account a request by the requesting State Party, proceeding from:

(a) An estimated location of the ambiguous event by verification means defined in this Treaty;

(b) Technical capacities of on-site inspection methods and means;

(c) Geologic and geographic and environmental conditions, the level of technogenic activity at the estimated site of the conduct of a concealed nuclear explosion; and

(d) Reasonable activity in the inspection procedures from the position of non-violation of the sovereignty of the inspected State Party and of an acceptable cost for the conduct of an inspection.]

[101. The area located on the territory of an inspected State party or under its jurisdiction for inspection with the use of technologies which propose using air-based means (aircraft, helicopters) should be one single area with a surface of not more than 1,000 km^2 or as long as not more than 50 km in any direction. The co-ordinates of the boundaries of the area shall be indicated in the inspection mandate.]

[102. The areas for inspection with the use of ground-based technologies should be within the limits of the area whose boundaries are indicated in the inspection mandate. The total surface of these areas should not be more than ... km^2 and a number of such areas not more than .... The data regarding the boundaries of the areas with an accuracy of up to 500 m shall be transmitted in writing by the head of the inspection team to the representative of the inspected State Party not less than 24 hours prior to the arrival of inspectors in those areas.]

[103. The inspected State Party may request to exclude from the inspection area, with the use of aircraft, of territories on which sensitive facilities are located. The surface of the territories should not exceed ... per cent of the inspection site surface.]

[104. The total number of inspectors present on the territory of the inspected State Party at any given time should not exceed 40 persons.]

105. The activities of the inspection team shall be so arranged as to ensure the timely and effective discharge of its functions and the least possible inconvenience to the inspected State party and disturbance to the area inspected.

[106. ... days prior to conducting an inspection with the use of helicopters or aircraft the head of an inspection team shall submit to the representative of the inspected State Party a flight plan. The representative of the inspected State Party can request to change the flight plan to exclude obtaining sensitive information by the inspection team. The head of the inspection team shall take into account the request to the extent he deems it appropriate. Such request should be reflected in the factual report.]

107. In the performance of their duties on the territory of an inspected State Party, the members of the inspection team shall, if the inspected State Party so requests, be accompanied by representatives of the inspected State party, but the inspection team must not thereby be delayed or otherwise hindered in the exercise of its functions.

108. [Detailed procedures for the conduct of inspections shall be developed for inclusion in the Operational Manual for [International] On-Site Inspections.]

Access Regime

[General Rules]

[109. The inspection team shall, in accordance with the relevant Articles of [this Treaty,] [and] [its] Protocol [to this Treaty] [and Annexes], have the right [of] [to unimpeded] [full] access to the inspection [site] [area] [designated in the inspection mandate].]

[Pursuant to paragraphs ... of the Treaty, the inspection team shall have the right to access to the inspection area and specific sites therein, subject only to the exceptions and operational procedures set out in the Managed Access Regime provisions specified in this section.]

[110. If the inspected State Party provides less than [full] [the] access [required by the inspection mandate] to [areas] [sites] [places], activities, or information, it shall be under the obligation to make every reasonable effort to provide alternative means to [clarify the possible non-compliance concern that generated the inspection request] [satisfy the requirements of the inspection mandate].]

[111. The inspected State Party shall provide access within the inspection [site] [area] as soon as possible, but in any case not later than (12) hours after the arrival of the inspection team at the point of entry, in order to clarify the concern [regarding possible non-compliance with this Treaty raised in the inspection request] [specified in the inspection mandate]. The extent and nature of access to a particular [area] [site] within the inspection [site] [area] shall be negotiated between the inspection team and the inspected State Party on a managed-access basis [in accordance with the paragraphs ... of the Protocol].]

[112. In meeting the requirement to provide access as specified in paragraph [111] [...], the inspected State Party shall be under the obligation to allow the greatest degree of access[. The inspected State Party shall have the right under managed access and in accordance with the paragraphs of this section to take] [, taking] into account any constitutional obligations it may have with regard to proprietary rights or searches and seizures[.] [The inspected State Party has the right under managed access] [and] to take such measures as are necessary to protect national security. The provisions in this paragraph may not be invoked by the inspected State Party to conceal evasion of its obligations not to engage in activities prohibited under this Treaty.]

[113. The inspection team shall comply with the confidentiality rules set out in paragraphs ... of part ... and with the safety requirements set out in paragraphs .... of part ... . The inspected State Party shall have the right, at any phase of the inspection, to forbid any measure planned or to halt any measure taken by the inspection team if that measure does not conform with these rules and requirements. In such a case, if the inspection team and the inspected State Party are unable to agree on an alternative measure to replace the forbidden one, the inspection shall continue without that measure being used and the case shall be recorded in the inspection report.]

[114. In carrying out the inspection in accordance with the inspection [request] [mandate], the inspection team shall use only those methods necessary to provide sufficient relevant facts to clarify the concern about possible non-compliance [with the provisions of this Treaty] [specified in the mandate], and shall refrain from activities not relevant thereto. It shall collect and document such facts as are related to the possible non-compliance [with this Treaty] [mentioned above,] by the inspected State Party, but shall neither seek nor document information which is clearly not related thereto, unless the inspected State Party expressly requests it to do so. Any material collected and subsequently found not to be relevant shall [not be retained] [be returned to a representative of the inspected State Party].]

[115. The inspection team shall be guided by the principle of conducting the inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its [mission] [mandate]. [Wherever possible, it] [It] shall begin with the least intrusive procedures [and the less sensitive sites] [it deems acceptable] [at the initial phase.] [and] [It may] proceed to more intrusive procedures [and to more sensitive sites at subsequent phases] [only as it deems necessary].]

[116. The inspection team and the inspected State Party shall negotiate: the extent of access to particular areas within the inspection site; the particular inspection activities, including sampling, to be conducted by the inspection team; the performance of particular activities by the inspected

State Party; and the provision of particular information by the inspected State Party.] 2/

[117. Pursuant to paragraph 73 of the Treaty, the area of each site to be excluded from overflights and/or ground inspection activities at the initial phase shall not exceed 10 sq km and the tota12Xthe of the excluded sitestshall not exceed 10 per cent of the initial inspection area. However, each exclusion shall apply to an entire site.]

[118. At the subsequent phase of the inspection the inspected State Party shall grant managed access into a site previously excluded under paragraph 117, on the basis of positive findings collected at the surrounding area which indicate that an alleged nuclear explosion may have been conducted there.]

[119. The inspected State Party shall have the right at each phase to exempt from inspection the interior of buildings, except for a managed access into a building located at the immediate vicinity of the alleged epicentre, if positive findings collected at the surrounding area indicate that an alleged nuclear explosion may have been conducted there.]

[120. The inspected State Party shall have the right to provide the inspection team, from its national monitoring networks and from other sources, data and explanations on the nature of the suspected event. The inspection team shall take into account such data and explanations and shall include it in its report.]

[Managed Access]

[121. The inspection team shall take into consideration suggested modifications of the inspection plan and proposals which may be made by the inspected State Party, at whatever stage of the inspection including the pre-inspection briefing, to ensure that sensitive equipment, information or [areas] [places], not related to the [scope] [object and purpose] [of this Treaty] [purpose of the inspection], are protected.]

[122. The inspected State Party shall designate the [perimeter] entry/exit points to be used for access [to the inspection area]. [The inspection team and the inspected State Party shall negotiate: the extent of access to any particular place or places within the final and requested perimeters as provided in paragraph 124; the particular inspection activities, including sampling, to be conducted by the inspection team; the performance of particular activities by the inspected State Party; and the provision of particular information by the inspected State Party.]]

[123. The inspection team and the inspected State Party shall negotiate [at each phase of the inspection and for each site mentioned in paragraph 118]:

[(a) The exact perimeter of each site mentioned in paragraph 118;]

2/ A delegation suggested moving paragraph 116 to the Managed Access section and to modify it as reflected in paragraph 123.

[(b)] The extent of access to particular [areas] [places] within the inspection [site] [area];

[(c)] The particular inspection activities, including sampling, to be conducted by the inspection team;

[(d)] The performance of particular activities by the inspected State Party;

[(e) The approved equipment to be used by the inspection team for each activity;] and

[(f)] The provision of particular information by the inspected State Party.]

[124. In conformity with the relevant provisions on the Confidentiality Annex the inspected State Party shall have the right to take measures to protect sensitive installations and prevent disclosure of confidential information and data not related to the [scope] [object and purpose] of this Treaty. Such measures may include, inter alia:

(a) Removal of sensitive papers from office spaces;

(b) Shrouding of sensitive displays, stores, and equipment;

(c) Shrouding of sensitive pieces of equipment, such as computer or electronic systems;

(d) Logging off of computer systems and turning off of data indicating devices;

(e) Restriction of sample analysis to determine the presence or absence of substances relevant to the purpose of the inspection;

(f) Using random selective access techniques whereby the inspectors are requested to select a given percentage or number of buildings of their choice to inspect; the same principle can apply to the interior and content of sensitive buildings;

(g) In exceptional cases, giving only individual inspectors access to certain parts of the inspection site.]

[125. The inspected State Party shall have the right to take measures to protect sensitive installations and to prevent disclosure of confidential information not related to the purpose of the inspection. Such measures may include, inter alia:

(a) Restricting measurements of nuclear radiation only to the presence or absence of those types and energies of radiation that identify, with a high degree of probability, a nuclear explosion;

(b) Restricting analysis of samples only to the presence or absence of isotopes and materials which identify, with a high degree of probability, a nuclear explosion;

(c) Using random selective access techniques whereby the inspectors are requested to select a given percentage or number of places of their choice to inspect;

(d) In exceptional cases, giving only individual inspectors access to certain parts of the restricted site.]

[126. The inspected State Party shall make every reasonable effort to demonstrate to the inspection team that any object, building, structure, container or vehicle to which the inspection team has not had full access, or which has been protected in accordance with paragraph 124, is not used for purposes related to the possible non-compliance concerns raised in the inspection request.]

[127. The inspected State Party shall make every reasonable effort to demonstrate to the inspection team that a nuclear explosion was not carried out in any place within the inspection area to which the inspection team has not had the access required by the inspection mandate, or which has been protected in accordance with paragraph 125.]

[128. This may be accomplished by means of, inter alia, the partial removal of a shroud or environmental protection cover, at the discretion of the inspected State Party, by means of a visual inspection of the interior of an enclosed space from its entrance, or by other methods.]

[129. This may be accomplished by means of, inter alia:

(a) Looking for effects of a nuclear explosion, such as air blast, ground shocks and thermal effects, from the outside of such place;

(b) Measuring the characteristic nuclear radiation which identify unambiguously a nuclear explosion, from the outside of such place.]

[Safety]

[Confidentiality]

[Conduct of Inspections in the Areas not under the Jurisdiction of any State]

[130. In case of an inspection of the territory not under the national jurisdiction of any State the Director-General after consultation with the respective States Parties selects the points of entry appropriate for a speedy arrival of an inspection team in the inspection area and basing points.]

[131. The State Parties on whose territory the points of entry and basing points are located shall assist in transporting an inspection team, its luggage, equipment and materials to the inspection site as well as in conducting an inspection.]

Communications

132. Inspectors shall have the right [throughout the in-country] [at all times during on-site inspection] period to communicate with the Headquarters

of the [Technical Secretariat] [Organization]. For this purpose they may use their own, duly certified, approved equipment [with the authorization of the inspected State Party] and may request that the inspected State Party provide them with access to other telecommunications [if available]. The inspection team shall have the right to use its own [two-way system of radio communications] [radio communications system] between members of the inspection team.

[Equipment]

[133. The list of equipment allowed to be used in conducting an on-site inspection and the procedures for the use of such equipment shall be prepared and updated, as necessary, by the [Technical Secretariat] [Organization]. Each State Party may submit proposals on equipment for conducting inspections to be included in the list. In preparing such a list of permitted equipment and appropriate procedures the [Technical Secretariat] [Organization] shall take complete account of safety considerations for all types of facilities where such equipment may be used. The list of equipment permitted to be used in conducting on-site inspections shall be considered and approved by the Executive Council.]

[134. The [Technical Secretariat] [Organization] shall organize the preparation of equipment for on-site inspections on the basis of agreements with the States Parties possessing appropriate technologies. The States Parties which provided appropriate technologies and the [Technical Secretariat] [Organization] which has accepted such equipment for storage shall be responsible for the technical readiness of the equipment to conduct inspections. The [Technical Secretariat] [Organization] shall update the equipment and replace it by more efficient equipment. The equipment shall be provided with special protection from unauthorized modification.]

[135. In carrying out activity related to the conduct of on-site inspections in accordance with this Protocol the inspection team shall have the right to take to the territory of the inspected State Party and use the permitted equipment.]

[136. The complete list of equipment for conducting on-site inspections shall include:

(a) Technologies specified in paragraph ... ;

(b) Equipment specified in paragraph ... .]

Inspection Team and Inspected State Party Rights

137. [Inspectors shall have the right to:

[[(a) Conduct visual inspections of the area from the air, on the ground, and on and in the water;

(b) Conduct inspections of the area using infrared means of observation from the air, on the ground, and on and in the water;

(c) Take photographs in the visual and infrared parts of the spectrum from the air, on the ground, and on and in the water;]

(d) Measure radiation and levels of radioactivity in the atmosphere above the area, at ground level, underground and in water;

(e) Conduct temporary seismological measurements in the area;

(f) Conduct other geophysical measurements in the area, including magnetic, gravity and electrical resistivity measurements;

(g) Conduct on-site drilling; and

(h) Use radar imaging].]

138. [During an initial phase of an on-site inspection, inspectors shall have the right to:

(a) Conduct aerial overflights of the area to be inspected in accordance with paragraph 147;

(b) Conduct visual inspection of the area from the air, on the ground, and on and in the water;

(c) Conduct seismological measurements in the area; and,

(d) Measure radiation and levels of radioactivity, and collect radionuclides, in the atmosphere above the area, at ground level, underground, and in the water.]

139. [During a second phase of an on-site inspection, inspectors shall have the right to:

(a) Conduct the activities permitted during an initial phase on an on-site inspection;

(b) Conduct, in addition to the activities in sub-paragraph (a) of this paragraph, seismological measurements, radioactivity measurements and radionuclide collection through the use of ground-based sensors that are unattended;

(c) Conduct, from the ground, active seismic measurements, ground penetrating radar measurements, magnetic measurements, gravitational measurements, thermal measurements, soil resistivity and conductivity measurements, and drill-back; and,

(d) Conduct, from aboard aircraft, magnetic measurements, gravitational measurements, and multispectral measurements.

The commencement of the first measurements during the second phase of an on-site inspection should be as soon as possible after the Executive Council's approval of the second phase of an on-site inspection and shall be no later than five weeks following that approval.]

140. [An aerial inspection may be carried out only with the permission of the inspected State Party, which shall have the right to deny access to such an inspection or to restrict its route or range.]

141. An inspection team conducting an inspection in an area not within any State's national jurisdiction may use any verification techniques which the Director-General deems appropriate.

142. The representatives of the inspected State Party shall have the right to observe all verification activities carried out by the inspection team.

143. The inspected State Party shall receive copies, [at its request,] of the information [and] [,] data [and samples] gathered at the inspected site.

[144. The inspected State Party shall have the right to limit the use of photo and video equipment beyond the inspected area.]

[145. The inspected State Party shall be reimbursed by the Organization in all expenses related to the stay and activity of an inspection team on the territory of the inspected State Party.]

146. Inspectors shall have the right to request clarifications in connection with ambiguities that arise during an inspection. Such requests shall be made promptly through the representative of the inspected State Party. The representative of the inspected State Party shall provide the inspection team, during the inspection, with such clarification as may be necessary to remove the ambiguity.

147. [Aerial overflights of an area to be inspected in accordance with paragraph 138, sub-paragraph (a), shall be conducted for the purposes of narrowing the area to be inspected and optimizing the locations for ground-based equipment.]

148. [Overflights shall be conducted at low altitudes and inspectors on board the aircraft shall have the right to use photographic equipment, including hand-held still and video cameras, and equipment for determining location.]

149. [(placeholder on type(s) of acceptable aircraft for overflights, ownership of such aircraft, and origin of aircraft crew, and other issues)]

150. [When overflights are conducted at the commencement of an initial phase of an on-site inspection, a portion of the inspection team shall travel in advance to the point-of-entry of the State Party hosting the on-site inspection. The State Party hosting the on-site inspection has the obligation to make arrangements for the overflight to originate within its territory and from a point relatively close to the area to be inspected.]

151. [Information collected during an overflight shall be made available to the inspection team and Technical Secretariat. This information should be delivered to the inspection team leader when the remainder of the team members arrive and prepare to commence the ground-level activities of the initial phase of an on-site inspection.]

[Overflights]

It has been suggested that an Overflights regime should be elaborated by a group of experts.

It has been suggested to consider an overflight regime for the implementation of Paragraph 137 (a). Furthermore the use of commercially available aircraft could be considered. A view has also been expressed that an overflight regime should be negotiated on a case-by-case basis.

Collection, Handling and Analysis of Samples

[152. [Subject to the provisions in paragraph ...] The inspection team may take [relevant] samples from the inspected area.]

[153. Where possible the analysis of samples shall be performed on-site. The inspection team shall have the right to perform on-site analysis of samples using approved equipment brought by it. At the request of the inspection team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on-site.]

[154. The inspected State Party has the right to retain portions of all samples taken [at the on-site inspection site by the inspecting party] or take duplicate samples and be present when samples are analysed on-site.]

155. [The inspection team shall, if it deems necessary, transfer samples for analysis off-site at [certified] laboratories designated by the Organization.] [Any State Party that conducts an investigation in accordance with paragraph 10 of Article ... of this Treaty could share any samples or portions of samples collected during the investigation with the Technical Secretariat for analysis.]

[156. The Director-General on the basis of proposals of States Parties shall determine not more than five designated laboratories which correspond most adequately to the requirements for the designated laboratory to carry out sample analysis.]

[157. The tasks to be resolved at the designated laboratories:

(a) Preparation of samples for quality analysis;

(b) Radiometric, spectrometric, chromatographic, ion-selective, ... analyses of samples;

(c) Sample comparison;

(d) Provision of certified analysis data; and

(e) Submission of a report on the work done, specifying methods, instruments and equipment used during such work.]

[158. The Director-General shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for analysis off-site is protected.

The Director-General shall do so in accordance with procedures, to be considered and approved by the Conference, for inclusion in the Operational Manual for International On-Site Inspections. He or she shall:

(a) Establish a stringent regime governing the collection, handling, transport and analysis of samples;

(b) Certify the laboratories designated to perform different types of analysis;

(c) Oversee the standardization of equipment and procedures at these [designated] [certified] laboratories, mobile analytical equipment and procedures, and monitor quality control and overall standards in relation to the certification of these laboratories, mobile equipment and procedures; and

(d) Select from among the [designated] [certified] laboratories those which shall perform analytical or other functions in relation to specific investigations.]

[159. When off-site analysis is to be performed, samples shall be analysed in at least two [designated] [certified] laboratories [where feasible]. The [Technical Secretariat] [Organization] shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the [Technical Secretariat] [Organization] and any unused samples or portions thereof shall be returned to the [Technical Secretariat] [Organization].]

[160. The [Technical Secretariat] [Organization] shall compile the results of the laboratory analysis of samples relevant to compliance with this Treaty and include them in the final inspection report. The [Technical Secretariat] [Organization] shall include in the report detailed information concerning the equipment and methodology employed by the designated laboratories.]

Observers

161. In accordance with the provisions of Article ... on the participation of an observer in the inspection, the requesting State Party shall liaise with the [Technical Secretariat] [Organization] to co-ordinate the arrival of the observer at the same point of entry as the inspection team within a reasonable period of the inspection team's arrival.

[162. Not later than 30 days after the entry into force of this Treaty any State Party shall inform the Director-General of the names of observers. The Director-General shall include the nominations proposed by the States Parties in the list of observers. A person on the list of observers may also be on the list of inspectors.]

[163. Not later than 60 days after the entry into force of this Treaty the Director-General shall circulate the list of observers to all States parties. Each State Party shall promptly acknowledge receipt of the list of observers proposed for inclusion. Any observer included in the list shall be regarded as accepted unless any State Party declares, not later than 30 days after the acknowledgement of receipt of the list, its non-acceptance in writing. The State Party shall indicate the reasons for such non-acceptance. In that case the observer shall not participate in verification activity on the territory or in any other area under the jurisdiction or control of the State Party which has declared its non-acceptance.]

[164. Each State Party may at any time replace its representatives on the list of observers. The Director-General shall annually review the list of observers taking account of proposals by States Parties and notify all States Parties about changes of the list of observers.]

165. The observer shall have the right throughout the period of inspection to be in communication with the embassy of the requesting State Party located in the inspected State Party or, in the case of absence of an embassy, with the requesting State Party itself. The inspected State Party shall provide means of communication to the observer [if necessary].

[166. The observer shall have the right to arrive at the inspection site and to have access to the inspection site as granted by the inspected State Party.]

167. [The observer shall have the right to make recommendations to the inspection team, which the team shall take into account to the extent it deems appropriate.] Throughout the inspection, the inspection team shall keep the observer informed about the conduct of the inspection and the findings.

168. Throughout the in-country period, the inspected State Party shall provide or arrange for the amenities necessary for the observer such as communication means, interpretation services, transportation, [working space,] lodging, meals and medical care. All the costs in connection with the stay of the observer on the territory of the inspected State Party shall be borne by the requesting State Party.

Inspection Duration

169. [An inspection shall not normally exceed [seven days] after the arrival of the inspection team at site in the territory of the State Party to be inspected. Periods of inspection may be extended by agreement with the representative of the inspected State Party.]

[170. Except for cases when drilling is carried out for sampling purposes, the duration of an inspection in the inspection area shall not exceed 40 days. The Director-General may decide to conduct inspections in two stages with an interval between them which is used for transporting the necessary instruments to the inspection area. Upon completion of the first stage, an inspection team shall leave the territory of the inspected State Party or by agreement with a representative of the inspected State Party shall wait for the second stage of inspection at an agreed point on the territory of the inspected State Party. Periods of inspection may be extended by agreement with a representative of the inspected State Party. The necessity and duration of operations related to drilling for the purposes of identifying an ambiguous event as a nuclear test shall be determined by the Director-General and approved by the Executive Council.]

Post-Inspection Briefing

171. Upon completion of an inspection the inspection team shall meet with representatives of the inspected State Party and the personnel responsible for the inspection site to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide to the representatives of the inspected State Party its preliminary findings in written form according to a standardized format, together with a list of any samples and other material [which the inspected State Party has allowed] to be taken off-site. The document shall be signed by the head of the inspection team. In order to indicate that he or she has taken notice of the contents of the document, the representative of the inspected State Party shall countersign the document. The meeting shall be completed not later than 24 hours after the completion of the inspection.

Departure

172. Upon completion of the post-inspection procedures, the inspection team and the observer shall leave, as soon as possible, the territory of the inspected State Party.

Reports

173. [Not later than [72 hours] after the inspection, the inspectors shall prepare a factual, [final] report on the activities conducted by them and on their findings. It shall only contain facts relevant to compliance with this Treaty, as provided for under the inspection mandate. The report shall also provide information as to the manner in which the State Party inspected co-operated with the inspection team. Differing observations made by inspectors may be attached to the report.]

[174. Not later than ... after the inspection the [Technical Secretariat] [Organization] shall submit to the Executive Council the final report on the inspection conducted and on its conclusions on the basis of a factual report, results of sample analysis in designated laboratories and data received by the International Monitoring System as well as information provided by States Parties.]

175. [Upon the [Technical Secretariat] [Organization] completing the assessment of the inspection's findings, as provided by paragraph ... of Article ...] [The Director-General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.]

[SECTION:
[Associated Measures] [Confidence-Building Measures] [Transparency Measures]

[176. Pursuant to Article ... paragraph 88, each State Party shall exercise its best endeavours in providing the Organization with notification of any explosion using 300 tonnes or greater of TNT-equivalent blasting material detonated as a single explosion anywhere on its territory, or at any place under its jurisdiction or control. If possible, such notification will be provided in advance. The notification should include full details on location, time, quantity and type of explosive used, and on the configuration and intended purpose of the blast. The State Party concerned shall expeditiously provide the Technical Secretariat, on its request, with the opportunity to visit the site of the detonation at a mutually-convenient date.

177. Each State Party shall also exercise its best endeavours upon the entry into force of the Treaty to provide to the Technical Secretariat, and at annual intervals thereafter to update, information relating to its national use of non-nuclear explosions greater than 300 tonnes TNT-equivalent. In particular, the State Party shall advise:

(a) The geographic locations of sites where the explosions originate;

(b) The nature of activities producing them and the general profile and frequency of such explosions; and,

(c) Any other relevant detail, if available (including details of the location, timing, and configuration of detonation, as well as quantities of explosives used); and,

assist the Technical Secretariat, on its request, in clarifying the origins of any event detected by the International Monitoring System, including by reference to national records and by extending to the Technical Secretariat, on its request, the opportunity to visit particular sites and to confirm with the State Party concerned particular details of its declarations.]

[178. Each State Party shall provide to the Technical Secretariat, no later than 180 days after the Treaty enters into force for it, information on each site, not to exceed 100 square kilometres, on its territory for which there are plans to conduct, in the following 12 months:

(a) Any chemical explosion or explosions at or within 100 metres of the surface of the earth having an aggregate yield greater than 100 tonnes; or

(b) Any chemical explosion or explosions at or within 100 metres of the surface of the earth having an instantaneous yield greater than 20 tonnes within a (10-20)-milli-second period; or

(c) Any chemical explosion or explosions buried more than 100 metres below the surface having an aggregate yield greater than 10 tonnes.

179. The information provided pursuant to paragraph 178 shall include, for each site:

(a) The location, expressed in geographic co-ordinates to the nearest minute, of the approximate boundaries of the site and the approximate centre of the site;

(b) The geologic structure of the site;

(c) The general purpose and characteristics of explosions typically conducted at the site;

(d) The typical explosion sequences, geometries, timing, and explosive types and amounts used at the site; and

(e) The typical and maximum planned depths of explosions at the site.

180. Each State Party shall annually revise the information provided to the Technical Secretariat in accordance with paragraphs 178 and 179 of this section, or shall indicate to the Technical Secretariat that there have been no changes in the information previously provided.

181. For each site it has identified in accordance with paragraph 178 or paragraph 180 of this section, a State Party shall provide to the Technical Secretariat, no later than 13 months after identifying the site, information for three of the largest explosions as specified in subparagraphs 178(a), 178(b), or 178(c) of this section conducted at that site within the 12 months following its identification of the site. Once such information has been provided for three explosions at such a site, no additional information under this paragraph need be provided for explosions at that site.

182. The information provided pursuant to paragraph 181 of this section shall include, for each explosion:

(a) The yield;

(b) The location, in geographic co-ordinates to the nearest tenth of a minute;

(c) The date and time, to the best accuracy available;

(d) The maximum depth of burial, to the nearest 10 meters; and

(e) If multiple charges are utilized, information on the timing and pattern of detonation of the charges.

183. If an explosion as specified in subparagraphs 178(a), 178(b), or 178(c) of this section is conducted at a site for which information was not provided pursuant to paragraphs 178 or 180 of this section, the State Party on whose territory the explosion occurred shall provide to the Technical Secretariat, as soon as possible following the explosion, the information specified in paragraphs 182(a) through 182(e) of this section.

184. Any State Party receiving a request for information regarding an event on its territory (under the provisions of the section on consultation and clarification) shall respond, consistent with its rights and obligations to answer such a request. A State Party is encouraged to provide in its reply any information that could reduce possible ambiguity regarding the event, including, if appropriate, information specified in paragraphs 182(a)-- 182(e) of this section, or information already available to other organizations for other purposes, such as health and safety.

185. Each State Party is encouraged to provide to the Technical Secretariat, whether requested or not, any information that could reduce ambiguity regarding an event on its territory related to the subject matter of this Treaty.

186. Each State Party is encouraged to make available to the Technical Secretariat technical and scientific information published by academic or government institutions within that State Party and related to the subject matter of this Treaty.

187. Two or more States Parties may make mutual arrangements for special monitoring measures or exchanges of information. They shall arrange funding for any such measures and are encouraged to make available to the Technical Secretariat any information acquired or exchanged under such measures. Such measures could include:

(a) Conducting a calibration explosion or utilizing for calibration purposes an explosion planned for other purposes; and

(b) Measures for monitoring specific sites, such as mines, by means of additional seismic, radionuclide, or other monitoring equipment.

188. A State Party may invite, upon its own initiative or at the request of another State Party, representatives of the Technical Secretariat or of other States Parties to visit sites within its territory for the purpose of clarifying an ambiguous event.]

The following measures have been suggested by some delegations for further consideration:

- ***Exchange of information on events which might lead to misunderstandings***
- ***Transparency measures related to former nuclear test sites***
- ***Transparency measures related to cavities***
- ***Facilities related to nuclear weapon tests***
- ***Voluntary disclosure of all nuclear weapon tests carried out by the nuclear weapon States with relevant particulars of dates and yields***
- ***Inspections on invitation/Visits on invitation***

Dependent upon the outcome of negotiations on the above-listed measures suggested by some delegations, in this section language could be introduced describing agreed measures in detail and appropriate procedures to be applied.]

CONFERENCE ON DISARMAMENT

CD/1346/Add.1
19 September 1995

ENGLISH ONLY

ADDENDUM TO THE REPORT OF THE AD HOC COMMITTEE ON A NUCLEAR TEST BAN TO THE CONFERENCE ON DISARMAMENT

1. In conformity with the agreement reached in the Ad Hoc Committee on a Nuclear Test Ban, the Committee continued working after the adoption of its Report to the Conference on Disarmament (CD/1346) on 6 September 1995. From 11 to 19 September 1995 the Ad Hoc Committee held 2 meetings, Working Group 1 held 7 meetings, and Working Group 2 held 1 meeting. At its 27th meeting the Chairman of the Ad Hoc Committee appointed, as Friend of the Chair on Preparatory Commission, Mr. Donald Sinclair of Canada.

2. The following additional official documents dealing with a nuclear test ban were presented to the Conference:

- CD/1346, dated 6 September 1995, entitled "Report of the Ad Hoc Committee on a Nuclear Test Ban to the Conference on Disarmament".

- CD/1347, dated 11 September 1995, entitled "Letter dated 8 September 1995 from the Permanent Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement dated 20 July 1995 by the State Duma of the Federal Assembly of the Russian Federation concerning its attitude towards the resumption of nuclear testing by France, as well as a statement dated 6 September 1995 by a Representative of the Ministry of Foreign Affairs of the Russian Federation concerning a nuclear test conducted by France".

- CD/1348, dated 12 September 1995, entitled "Note verbale dated 12 September 1995 from the Permanent Mission of Argentina addressed to the Secretariat of the Conference on Disarmament transmitting the text of a statement by the Government of Argentina concerning French nuclear testing".

- CD/1349, dated 13 September 1995, entitled "Letter dated 11 September 1995 from the Permanent Representative of the Philippines addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the President of the Philippines, His Excellency Fidel V. Ramos, concerning the recent French nuclear test".

- CD/1350, dated 15 September 1995, entitled "Letter dated 14 September 1995 from the Permanent Representative of the United States of America to the Conference addressed to the Deputy Secretary-General of the Conference on Disarmament transmitting the text of a statement by the Press Secretary of the White House on 5 September 1995 concerning the nuclear test conducted by France on that day".

- CD/1351, dated 15 September 1995, entitled "Letter dated 14 September 1995 from the Permanent Representative of Australia to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the Australian Prime Minister, the Honourable P.J. Keating MP, issued on 6 September 1995, concerning the first French nuclear test.

- CD/1352, dated 15 September 1995, entitled "Letter dated 14 September 1995 from the Permanent Representative of Australia to the Conference addressed to the Secretary-General of the Conference on Disarmament transmitting the text of a statement by the current Chairman of the South Pacific Forum, the Australian Prime Minister, the Honourable P. J. Keating MP, issued on 7 September 1995, concerning the testing of a nuclear weapon by France".

- CD/1353, dated 15 September 1995, entitled "Note verbale dated 14 September 1995 from the Permanent Mission of Peru addressed to the Secretariat of the Conference on Disarmament transmitting a communique issued by the Ministry of Foreign Affairs relating to the conduct of French nuclear tests at Mururoa Atoll on 5 September".

- CD/1354, dated 15 September 1995, entitled "Note verbale dated 14 September 1995 from the Permanent Mission of Chile addressed to the Secretariat of the Conference on Disarmament transmitting an official statement by the Government of Chile on the resumption of French nuclear tests".

3. In addition, the following working papers were presented to the Ad Hoc Committee:

- CD/NTB/WP.269, dated 15 September 1995, submitted by the Chairman of the IMS Expert Group, entitled "Working Group 1 - Verification: International Monitoring System Expert Group Report based on Technical Discussions held from 22 to 25 August 1995".

- CD/NTB/WP.270, dated 15 September 1995, submitted by a Friend of the Chair, entitled "Working Group 1 - Verification: International Monitoring System".

- CD/NTB/WP.271, dated 15 September 1995, submitted by the delegation of Ukraine, entitled "Replies to the Questions Posed by the Chairman of the IMS Expert Group (CD/NTB/WP.225 13 March 1995".

- CD/NTB/WP.272, dated 18 September 1995, submitted by the delegation of Japan, entitled "Replies to the questions on the International Monitoring System in the Expert Group Chairman's Paper (CD/NTB/WP.225)".

- CD/NTB/WP.273, dated 18 September 1995, submitted by the delegation of Germany, entitled "Modification Procedure for the International Monitoring System".

- CD/NTB/WP.274, dated 19 September 1995, submitted by the delegation of the United States of America, entitled "Information and Optimization Methodology for Use in Completing the Design of the Radionuclide Network of the International Monitoring System".

- CD/NTB/WP.275, dated 19 September 1995, entitled "Draft Addendum to the Report of the Ad Hoc Committee to the Conference on Disarmament".

4. The results of the work of the Ad Hoc Committee during this period are reflected in the attached changes to CD/1346 which will be incorporated into the annual Report of the Conference on Disarmament to the fiftieth session of the General Assembly.

CHANGES TO BE INCORPORATED INTO CD/1346

Page 15, replace text with the following:

MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

1. The Conference of the States Parties [and the Executive Council] 1/ shall take the necessary measures, as set forth in paragraphs 2, 3 and 4, to ensure compliance with the provisions of the Treaty and to redress and remedy any situation which contravenes the provisions of the Treaty. In considering action pursuant to this paragraph, the Conference of the States Parties [and the Executive Council] shall, as appropriate, take into account [information and recommendations on the issues submitted by the States Parties and the Executive Council, as well as information provided by the Technical Secretariat as requested by the Conference of the States Parties or the Executive Council].

2. In cases where a State Party has been requested by the Conference of the States Parties or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference of the States Parties may, inter alia, decide, taking into account the information and recommendations submitted according to paragraph 1, to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference of the States Parties decides otherwise.

3. In cases where [serious] damage to the object and purpose of this Treaty may result from non-compliance with the basic obligations of this Treaty, 2/ the Conference of the States Parties[, upon the recommendation of the Executive Council,] may recommend collective measures to States Parties in conformity with international law.

4. In cases of particular gravity, the Conference of States Parties[, or alternatively, if the case is also urgent, the Executive Council,] shall bring the issue, including relevant information and conclusions, to the attention of the General Assembly and the Security Council of the United Nations. 3/

1/ Any reference to the Executive Council in the text of the Treaty is without prejudice to the decision on the existence of the Executive Council within the Organization.

2/ A delegation has proposed adding "withdrawal of a nuclear-weapon State or a nuclear advanced State Party to the Treaty".

3/ A delegation has proposed replacing paragraphs 3 and 4 with the following: "In cases where a State Party has been found by the Executive Council to be in non-compliance with the basic obligations of the Treaty, the Executive Council shall bring the issue, including all relevant technical information and evidence, to the attention of the Security Council of the United Nations."

Page 24, replace text with the following:

NATIONAL IMPLEMENTATION MEASURES

1. Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty. In particular, it shall take any necessary measures:

(a) To prohibit [and prevent] natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Treaty[, including enacting penal legislation or other punitive measures with respect to such activity];

(b) To prohibit [and prevent] natural and legal persons from undertaking any such activity anywhere under its control; and

(c) To prohibit [and prevent], in conformity with international law, natural [and legal] persons possessing its nationality from undertaking any such activity anywhere[, including enacting penal legislation or other punitive measures with respect to such activity].

2. Each State Party shall co-operate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party shall inform the Organization of the measures taken pursuant to this Article.

4. In order to fulfil its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organization upon entry into force of the Treaty for such a State Party. The National Authority shall serve as the national focal point for liaison with the Organization and with other States Parties.

Page 25, replace para. 1 with the following:

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to this Treaty or the annexed Protocol. Any State Party may also propose changes, in accordance with paragraph 7, to the Protocol to this Treaty. Proposals for amendments shall be subject to the procedures in paragraphs 2, 3, 4, 5 and 6. Proposals for changes, in accordance with paragraph 7, shall be subject to the procedures in paragraph 8.

Page 27, replace text with the following:

PREAMBLE

1. The States Parties to this Treaty (hereinafter referred to as "the States Parties"),

2. [Stressing the need for systematic and progressive efforts to reduce nuclear weapons globally , with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,]

3. [Convinced that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and declaring their intention to take such measures,]

4. [Affirming that effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority, that the early realization of complete prohibition and thorough destruction of nuclear weapons is the common goal of the international community, and that to this end, it is imperative to remove the threat of nuclear weapons, to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and to take other measures to prevent nuclear war, to eliminate the danger of the threat or use of nuclear weapons, and to avoid the proliferation of nuclear weapons in all its aspects,]

5. Welcoming the international agreements and other positive measures of recent years in the field of nuclear disarmament, including [deep] reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects,

6. Underlining the importance of the full and prompt implementation of such agreements and measures,

7. [Urging all States, especially the nuclear-weapon States, soon to support or respond to the proposals or initiatives designed to secure the avoidance of the use of nuclear weapons and the prevention of nuclear war, and urging also the nuclear-weapon States to conclude as soon as possible international agreements on no threat or use of nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and on no-first-use of nuclear weapons against each other,]

8. Convinced that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty [within the framework of an effective nuclear disarmament process] that will attract the adherence of all States and will contribute to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security,

9. Noting the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, [which are recalled in the Preamble to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons,]

10. [Believing that it is of great significance for the prevention of the proliferation of nuclear weapons in all its aspects that all the non-nuclear-weapon States [join the Treaty on the Non-Proliferation of Nuclear Weapons and] undertake not to acquire or develop nuclear weapons,]

11. Deeply convinced that, to contribute to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security, this Treaty should be universal, and urging all States to participate therein,

12. [Convinced that the implementation of this Treaty would contribute effectively to the protection of the environment,]

13. [Seeking international verification means which utilize to the extent possible existing systems of geophysical monitoring, and seeking to make the data acquired from the monitoring systems established pursuant to this Treaty available publicly for research on problems of broad international scientific interest,]

14. [Affirming that this Treaty seeks to achieve the discontinuance of all nuclear weapon test [explosions] and all other nuclear explosions as well as the discontinuance of all preparations immediately leading thereto,]

15. Have agreed as follows:

Page 29, replace text with the following:

SCOPE

1. Each State Party undertakes [to prohibit, and to prevent, and] not to carry out, [at any place and] [in any environment,] any nuclear weapon test [explosion] [which releases nuclear energy], [or any other nuclear [test] [explosion]], [or any release of nuclear energy caused by the assembly or compression of fissile or fusion material by chemical explosive or other means,] [and to prohibit and prevent any such nuclear explosion] [at any place under [or beyond] its jurisdiction or control] [.] [:]

[(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) underground.]

2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, [assisting,] [preparing,] or in any way participating in, the carrying out [anywhere] of any nuclear weapon test [explosion] [or any other nuclear [test] [explosion]] [or any release] [referred to] [, which would take place in any of the environments described] [in paragraph 1 of this Article].

Page 41, replace text with the following:

D. The Technical Secretariat

45. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Treaty. It shall carry out the other functions entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council (in accordance with this Treaty). The Technical Secretariat shall include, as an integral part, the International Data Centre.

46. The functions of the Technical Secretariat with regard to verification of compliance with this Treaty shall include:

(a) Being responsible for supervising and coordinating the operation of the International Monitoring System, in accordance with ... of this Treaty;

[(b) Routinely receiving, collecting and analysing the monitored data of the International Monitoring System (and any additional information that a State Party or international organization may provide to it) with the aim of identifying, according to pre-defined criteria specified in Part ... of the Protocol, significant events indicating a possible non-compliance with the basic obligations of this Treaty and making this data available to all States Parties;]

(c) Providing technical assistance in, and support for, the installation and operation of monitoring stations in accordance with the provisions of
... ;

(d) Co-ordinating international cooperative arrangements to receive, process, [analyse] and facilitate an exchange of data obtained through the International Monitoring System;

(e) Operating the International Data Centre in accordance with ... of this Treaty;

(f) Assisting the Executive Council in facilitating consultation and clarification among States Parties in accordance with ... ;

(g) Receiving [at the same time as the Executive Council] requests for on-site inspections and processing [and evaluating] them, conducting the on-site inspections [as well as technically evaluating the results] and reporting to the Executive Council in accordance with ... ;

(h) Conducting on-site [monitoring and] [visits at the invitation of a State Party] in accordance with the procedures set out in paragraph ... ;

(i) Negotiating and concluding agreements or arrangements relating to verification activities with States Parties, other States or international organizations as appropriate, subject to approval by the Executive Council;

(j) Assisting the States Parties through their National Authorities on other issues of verification under this Treaty.

47. The functions of the Technical Secretariat with respect to administrative matters shall include:

(a) Preparing and submitting to the Executive Council the draft programme and budget of the Organization;

(b) Preparing and submitting to the Executive Council the draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

(c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

(d) Addressing and receiving communications on behalf of the Organization relating to the implementation of this Treaty.

[(e) Carrying out the administrative responsibilities related to the Agreement between the Organization and the [IAEA] [and any other international organization].]

[47bis. With respect to the responsibilities of the Technical Secretariat for preparing and submitting to the Executive Council the draft program and budget of the Organization, the Technical Secretariat shall determine and maintain a clear accounting of all costs for each facility established as part of the International Monitoring System. Similar treatment in the draft program and budget shall be accorded to all other activities of the Organization.]

49. The Technical Secretariat shall promptly inform the Executive Council of any problems that have arisen with regard to the discharge of its functions[, including doubts, ambiguities or uncertainties about compliance with this Treaty and its Protocol] that have come to its notice in the performance of its [verification] activities and that it has been unable to resolve through consultations with the State Party concerned.

50. The Technical Secretariat shall develop and maintain, subject to approval by [the Executive Council] [the Conference] Operational Manuals to guide the operation of the various components of the verification system, in accordance with Article ... of this Treaty and Section ... of its Protocol. These Manuals shall not constitute integral parts of this Treaty or its Protocol and may be changed by the Technical Secretariat subject to approval by [the Executive Council] [the Conference]. The Technical Secretariat shall promptly inform the States Parties of any changes in the Operational Manuals.

51. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter.

52. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of professional expertise, experience, efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as members of the professional and clerical staff. [Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.] [The Secretariat shall also be staffed strictly in accordance with the principle of equitable geographic distribution.] Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

[52bis. After the Technical Secretariat has received the advance notification provided for in paragraph 10bis of this Article, the Director-General, in consultation with the appropriate State Party or States Parties, shall make a determination of the credit value of the activity to be undertaken, which shall not exceed the amount the Organization has budgeted for that particular kind of activity. Contribution credits shall be provided, and a credit value determined, for, inter alia:

(a) Costs of establishing, operating and maintaining IMS facilities located on the territory of States Parties;

(b) Installing, upgrading, or providing operation and maintenance costs for an IMS facility located on the territory of a State on the basis of a bilateral arrangement with a State Party;

(c) Costs for an IMS facility not located on the territory of any State or located on the territory of a State not Party to this Treaty; and

(d) Costs of non-IMS activities, such as the provision of equipment, logistics support and personnel to the Organization.]

53. [The Director-General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 26 (g) of Part B of this Section. The Director-General shall, in consultation with States Parties, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty. [The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.]]

[The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.]

55. In the performance of their duties, the Director-General, the inspectors and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization.

56. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

Page 46, replace text with the following:

ENTRY INTO FORCE

1. This Treaty shall enter into force[, subject to the provisions of paragraph ... of this Article,]

(a) 180 days after the date of the deposit of the instruments of ratification by

- (i) [... States][including ...], but
- (ii) [... per cent of][all States which have, have ever had, or have under construction, nuclear power or nuclear research reactors at the date of the opening of the Treaty for signature as specified in the International Atomic Energy Agency list contained in annex ... to this Treaty], but
- (iii) [All States Members of the Conference on Disarmament and all States which have applied for membership prior to ...], but

(b) In no case earlier than [two] years after its opening for signature.

[2. All signatory States shall have the imprescriptible right to waive the requirement, laid down in the preceding paragraph[, ...]. They may do so by means of a declaration which shall be annexed to their respective instruments of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of [...] instruments of ratification with such waivers attached.]

[3. After all the nuclear-weapon States have deposited their instruments of ratification with the Depositary, and no earlier than ... after the Treaty is opened for signature, all States that have deposited their instruments of ratification with the Depositary shall have the right, in accordance with the procedures specified in this paragraph, to waive the requirements set forth in paragraph 1 of this Article. A majority vote of all States that have deposited their instruments of ratification with the Depositary is required to convene a conference of those States to consider the question of waiving the requirements set forth in paragraph 1 of this Article. Such requirements may be waived at the conference by agreement of all nuclear-weapon States and a majority of the other States that have deposited their instruments of ratification with the Depositary. In the case of an agreement to waive the requirements of paragraph 1 of this Article, the Treaty shall enter into force under the conditions determined by agreement of all the nuclear-weapon States and a majority of the other States that have deposited their instruments of ratification with the Depositary.] 1/

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the [30th day following the date] [date] of deposit of their instruments of ratification or accession.

1/ A group of delegations suggest that further discussion is needed on paragraphs 2 and 3 above.

Page 55, after para. 22, insert the following new paras:

[22.bis In order to ensure the effectiveness of the International Monitoring System, any State Party and the Director-General may propose modifications of the lists of monitoring stations, as contained in the Protocol, in regard to numbers, locations and types of stations, to the Executive Council, for recommendation to all States Parties. Such a modification proposal should, for its consideration by the Executive Council, be evaluated by the Director-General in regard to possible consequences for the provisions of this Treaty and its implementation and be assessed in regard to possible financial implications for the next (5) years.

After approval by the Executive Council, the Director-General shall be authorized to implement the modification proposal immediately and to transmit the decision of the Executive Council and all related documentation to all States Parties and the Depository to become subject of the amendment procedure of this Treaty, as described in ... (para. 8(d)-(g)).] 1/

[9. Any measures referred to in Article ... ("Verification") paragraph 15 affecting the International Monitoring System by means of addition or deletion of a monitoring technology [or changes to the numbers specified in the Protocol of monitoring facilities for a given monitoring technology,] shall, when agreed, be incorporated into the Treaty and Protocol pursuant to Article ... ("Amendments") paragraphs 1 - 6.]

[10. Any proposal for:

[(a) addition or deletion of a monitoring technology; or,]

[(b) changes to the numbers specified in the Protocol of monitoring facilities for a given monitoring technology; or,]

(c) the modification of [details concerning responsible State, location, type of monitoring facility, but not total numbers of any particular facility, reflected in] the [lists of monitoring facilities contained in the Tables] [annexed to the Protocol 2/,] shall be incorporated in the Protocol pursuant to Article ... ("Amendments") paragraphs 7 - 8.]

[11. A recommendation concerning any proposal made pursuant to paragraph 10 shall be made by the Director-General to the Executive Council accompanied by:

1/ Substantive discussion is yet to take place on the provisions contained in paragraphs ... (22bis) to ... (paragraph 12 of IMS Friend of the Chair paper).

2/ The inclusion of these Tables in the Protocol is to be reviewed in connection with the decisions on their contents, and this reference is without prejudice to whether or how the listing of stations will be included in the Treaty.

(a) endorsement of the proposal by an independent technical appraisal conducted in accordance with Article ... ("The Organization") paragraph [53] [54];

(b) a statement from the Organization on the administrative and financial impact of the proposal; and.

(c) a report from the Director-General on consultations with States Parties whose responsibilities for hosting International Monitoring System facilities would be affected by the proposal.]

[12. In cases of significant or irretrievable breakdown of a monitoring facility contained in the Tables [annexed to the Protocol 1/], or in order to cover other temporary reductions of monitoring coverage, the Director-General shall, with the agreement of the Executive Council and in consultation with relevant States Parties, initiate stop-gap arrangements of no more than one year's duration within the parameters set out in the Protocol and within existing budgetary approvals. The Director-General shall furthermore take steps to rectify the situation and make proposals for its permanent resolution.]

1/ The inclusion of these Tables in the Protocol is to be reviewed in connection with the decisions on their contents, and this reference is without prejudice to whether or how the listing of stations will be included in the Treaty.

Page 58, replace para. 33 with the following:

33. [[The costs of the International Monitoring System shall be met by individual States Parties and the Organization.] For monitoring stations and laboratory [and analytical] [and other] facilities determined pursuant to paragraphs ... of the Verification Protocol to be essential to the operation of the International Monitoring System:

(a) To the extent that such stations and facilities provide data to the International Data Centre, the Organization shall meet the costs of:

(i) Transmitting International Monitoring System data (raw or processed, including samples where appropriate) to the International Data Centre [directly] [or indirectly] from monitoring stations, from laboratory [and analytical] facilities or from National Data Centres, or to laboratory [and analytical] facilities from monitoring stations;

(ii) Analysing samples on behalf of the Organization;

[(iii) Establishing any new stations and facilities, and upgrading existing stations and facilities [not located on the national territory of any State Party];]

[(iv) Establishing any new stations and facilities, and upgrading existing stations and facilities located on the national territory of least developed countries;]

[(v) Operating and maintaining [new] [and existing] International Monitoring System monitoring stations and facilities noted above [located on the national territory of least developed countries];] and,

[(vi) International Monitoring System station and facility physical security, if appropriate, [located on the national territory of least developed countries];]

[(b) Each individual State Party shall meet the costs of:

(i) Establishing any new stations and facilities, and upgrading any existing stations and facilities located on its national territory; and,

(ii) Operating and maintaining all stations and facilities located on its national territory; and,]

[(c) Any individual State Party may meet the costs of:

(i) Establishing any new stations or facilities, and/or upgrading any existing stations or facilities located outside the national territory of any State Party; and,

(ii) Operating and maintaining any monitoring station or facility located outside the national territory of any State Party.]]

[For monitoring stations and laboratory [and analytical] [and other] facilities determined pursuant to paragraphs ... of the Verification Protocol to be essential to the operation of the International Monitoring System, the Organization shall meet all the costs.]

33.bis [For the transmission of International Monitoring System data (raw or processed, including samples where appropriate) to the International Data Centre [directly] [or indirectly] from monitoring stations, from laboratory [and analytical] facilities or from National Data Centres, or to laboratory [and analytical] facilities from monitoring stations, the Organization shall meet all the costs.]

Page 72, replace para. 5 with the following:

5. To supplement the primary network, an auxiliary network of [at least] [up to] [100] stations shall provide information to the International Data Centre on request. [[The auxiliary stations to be used [initially] are listed in Table 1B, annexed to this Protocol.] 10/ The auxiliary stations shall be established and operated by the State Party on whose territory they are situated. The Technical Secretariat shall, if requested, provide technical assistance to a State Party in this regard. [The Technical Secretariat shall also, subject to the prior approval of the Executive Council, provide technical assistance to establish, operate and maintain such stations in regions of the world where there is a lack of such stations.] The auxiliary stations shall meet the technical and operational requirements specified in the Operational Manual for Seismological Monitoring and the International Exchange of Seismological Data. Data from the auxiliary stations may at any time be requested by the International Data Centre and shall be immediately available through on-line computer connections.] [The cost of transmitting data from such stations to the International Data Centre shall be the only cost that the Organization shall meet with respect to auxiliary stations. All other costs for establishing and operating any auxiliary station shall be met by the State Party on whose territory it is situated.]

10/ As indicated on page 81 of the Expert Group Report on the International Monitoring System (CD/NTB/WP.224), the experts noted that for the purpose of enhancing the location accuracy for OSI purposes and for the acquisition of data that could prove useful for the identification of events, it has been recommended in some national proposals, as well as in the report of the Friend of the Chair (CD/NTB/WP.181 of 6 September 1994), that a network of auxiliary stations be used. A definitive network can not be identified at this time, but experience gained in the GSETT-3 Experiment will help with this definition. The network currently being tested in GSETT-3 is such a two-tiered system.

The determination of a final seismological monitoring auxiliary network to be included as part of the IMS, if the inclusion of such a network is agreed upon, will depend on technical considerations and political decisions. The preparation of a listing of the stations in such a network would be without prejudice to whether or how the list will be included in the Treaty.

Page 43, delete para. 48.

Page 61, replace para. 42 with the following:

42. Each State Party has the right to request an on-site inspection in accordance with ... in the territory or in any other place under the jurisdiction or control of any State Party [, or any area beyond the jurisdiction or control of any State].

Page 61, replace para. 44 with the following:

44. The requesting State Party is under the obligation to keep the on-site inspection request within the scope of this Treaty and to provide in the inspection request information in accordance with paragraph 47 [on the basis of which a concern has arisen regarding possible non-compliance with this Treaty]. The requesting State Party shall refrain from unfounded or abusive inspection requests.

Page 62, replace para. 46 with the following:

46. The requesting State Party shall present a request for an on-site inspection to the Executive Council, [and at the same time to] [through] the Director-General for the latter to begin immediate processing [prior to the Executive Council decision].

Page 62, replace para. 47 with the following:

47. The request for an on-site inspection shall be based on the data collected [and analysed] by the International Monitoring System [and/or by other elements of the Treaty verification regime, or shall be based on other relevant [technical] data made available by States Parties,] in accordance with the provisions of this Treaty. The request for an on-site inspection shall contain information pursuant to ... of the Protocol.

Page 62, replace para. 48 with the following:

48. [When the inspection request fulfils the requirements, [and upon approval by the Executive Council,] [and concurrently with the stages referred to in paragraphs 50 and 52,] preparations for the inspection shall begin.] [The Technical Secretariat shall begin preparations for [an initial phase of] an on-site inspection immediately upon receipt of a request. [The Technical Secretariat shall begin preparations for a second phase of an on-site inspection immediately following the Executive Council's approval of that phase of an inspection.]]

Page 62, delete para. 49.

Page 63, replace para. 50 with the following:

50. [The Director-General, upon receipt of a request for an on-site inspection, referring to an inspection area under the jurisdiction or control of any State Party, shall promptly conduct a consultation and clarification process with the State Party sought to be inspected in order to clarify and to resolve the concern raised in the request. Concurrently, the Director-General shall commence a technical expert evaluation in accordance with paragraph 52.]

Page 63, replace para. 51 with the following:

51. [A State Party which receives a request for clarification, pursuant to paragraph 50, shall provide the Director-General with explanations and with other relevant information available as soon as possible, but not later than [5] days after receiving the request.]

Page 63, replace para. 52 with the following:

52. [For the technical expert evaluation conducted by experts of the Technical Secretariat, the Director-General shall also invite experts nominated by the suspected and requesting States Parties, as well as other internationally recognized experts, to evaluate [all available] technical data [from the International Monitoring System], with the aim of clarifying and resolving the concern raised in the request and recommending whether sufficient grounds exist for an on-site inspection. The Director-General shall conclude the evaluation with a report, in accordance with paragraph ... of the Protocol, including the findings and recommendations contained in the expert evaluation, not later than [10] days after the request for clarification has been submitted to the suspected State Party.]

Insert para. 52.bis as follows:

52. bis [The Executive Council may decide by a [simple] [two-thirds] majority, before [deciding upon] [approving] an on-site inspection request, to consult further with the State Party concerned and ask to clarify the concern raised in the on-site inspection request and/or direct the Director-General to provide a technical expert evaluation regarding the event specified in the on-site inspection request.]

Page 63, delete footnote 8/.

Page 63, replace paras. 54 and 55 with the following:

The Director-General shall, after receiving an on-site inspection request, acknowledge the receipt of such request to the requesting State Party within 2 hours and communicate the request to the State Party concerned within 6 hours. [The Director-General shall ascertain that the request meets the requirements specified in .... of the Protocol, [and, if necessary, assist the requesting State Party in filing the request accordingly,]] and [thereafter] communicate the request to [the Executive Council and] all States Parties within 24 hours.

Page 64, replace paras. 56 and 57 with the following:

The Director-General shall [, before the Executive Council [decides upon] [approves] the on-site inspection request,] [seek and] transmit immediately to the Executive Council any additional information [obtained] [available] from the IMS [or provided by any State Party] on the event specified in the request. [The gathering of this information shall not [unduely] delay the processing of this request.]

Page 64, replace para. 58 with the following, to be placed before the replacement paragraph 56/57.

58. [The Executive Council shall take cognizance of all activities in regard to an on-site inspection.] [The Executive Council shall begin its consideration immediately upon receipt of the ascertained version of an on-site inspection request and shall supervise all activities in regard to an on-site inspection.]

Page 64, replace para. 59 first section with the following:

59. [The Executive Council may, not later than [12] [48] hours after having received the inspection request [for the initial phase of an on-site inspection], decide by a [two-thirds] [three-quarters] majority of [all] its members [present and voting] against carrying out the [initial phase of the] inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Treaty, as described in paragraph ... .

Page 64, insert para. 60.bis as follows:

60.bis [When the on-site inspection request is based on data collected by the International Monitoring System, which might be complemented by any other data, the Executive Council may, no later than 72 hours after having received such a request, decide by a two-thirds majority of all its members against carrying out the inspection. If the Executive Council decides against the inspection, preparations shall be stopped, no further action on the request shall be taken, and the States Parties concerned shall be informed accordingly.

When the on-site inspection request is based only on data other than those collected by the International Monitoring System, the decision to approve an on-site inspection shall be made by a two-thirds majority of all members of the Executive Council no later than 72 hours after having received such a request. If the Executive Council does not approve the request, preparations shall be stopped, no further action on the request shall be taken, and the States Parties concerned shall be informed accordingly.]

Page 65, replace paras. 68-71 with the following:

The Conduct of an On-Site Inspection

68. Each State Party shall permit the Organization to conduct an on-site inspection on its territory or at places under its jurisdiction or control, in accordance with the provisions and procedures of this Treaty and the annexed Protocol (trigger mechanism, managed access *et al*).

69. [Pursuant to a request for] [Upon approval by the Executive Council of] [In the course of] an on-site inspection [and] in accordance with the provisions of this Treaty and the procedures provided for in the Protocol [and the Annexes] thereto, the inspected State Party shall have:

(a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Treaty and, to this end, to enable the inspection team to fulfil its [approved] mandate;

(b) The obligation to provide access within the [approved] inspection area for the sole purpose of determining facts relevant to the [concern regarding possible non-compliance] [purpose of the inspection] [inspection mandate 13/]; and

(c) The right to take measures to protect sensitive installations and locations, and to prevent disclosure of confidential information not related to [this Treaty] [the purpose of the inspection][the inspection mandate 13/].

70. The Director-General[, in consultation with the requesting State Party,] shall [issue] [draft] an inspection mandate for the conduct of the on-site inspection in accordance with ... . [The inspection mandate shall determine the scope of the on-site inspection, including which activities listed under paragraph ... of the Protocol to this Treaty would be conducted and which equipment would be used.] [The inspection mandate shall be the inspection request put into operational terms, and shall conform with the inspection request.]

71. The on-site inspection shall be conducted in accordance with the procedures laid down in the Protocol to this Treaty [and Annexes thereto]. The inspection team shall be guided by the principle of conducting the on-site inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of [its mandate] [the inspection] [and the goal of satisfying the requesting State Party's concerns about possible non-compliance]. The inspectors shall seek only the information and data necessary for the purpose of the inspection.

13/ To be further examined together with the contents of the inspection mandate.

Page 67, replace para. 75 with the following:

75. With regard to an observer, the following shall apply:

(a) The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the on-site inspection;

(b) The inspected State Party shall then grant access to the observer in accordance with the Protocol, annexed to this Treaty;

(c) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report. 1/

Page 107 (Protocol), replace paras. 161-168 with the following:

161. In accordance with the provisions of paragraph 75, the requesting State Party shall liaise with the Technical Secretariat to co-ordinate the arrival of the observer at the same point of entry as the inspection team within a reasonable period of the inspection team's arrival.

[162. Not later than 30 days after the entry into force of this Treaty any State Party shall inform the Director-General of the names of observers. The Director-General shall include the nominations proposed by the States Parties in the list of observers. A person on the list of observers may also be on the list of inspectors.]

[163. Not later than 60 days after the entry into force of this Treaty the Director-General shall circulate the list of observers to all States Parties. Each State Party shall promptly acknowledge receipt of the list of observers proposed for inclusion. Any observer included in the list shall be regarded as accepted unless any State Party declares, not later than 30 days after the acknowledgement of receipt of the list, its non-acceptance in writing. The State Party shall indicate the reasons for such non-acceptance. In that case the observer shall not participate in verification activity on the territory or in any other area under the jurisdiction or control of the State Party which has declared its non-acceptance.]

1/ This paragraph needs further consideration.

[164. Each State Party may at any time replace its representatives on the list of observers. The Director-General shall annually review the list of observers taking account of proposals by States Parties and notify all States Parties about changes on the list of observers.]

165. The observer shall have the right throughout the period of inspection to be in communication with the embassy of the requesting State Party located in the inspected State Party or, in the case of absence of an embassy, with the requesting State Party itself.

[166. The observer shall have the right to arrive at the [perimeter of the] inspection [site] [area] and to have access to the inspection [site] [area] as granted by the inspected State Party.]

167. Throughout the inspection, the inspection team shall keep the observer informed about the conduct of the inspection and the findings.

168. Throughout the in-country period, the inspected State Party shall provide or arrange for the amenities necessary for the observer similar to those enjoyed by the inspection team as described in paragraph ... . All the costs in connection with the stay of the observer on the territory of the inspected State Party shall be borne by the requesting State Party.

CONFERENCE ON DISARMAMENT

Page 79 (Protocol), replace para. 16 with the following:

16. The specified network of infrasound stations shall consist of [the stations specified in Table 4, annexed to this Protocol, and comprise] an overall network of [approximately 50] [60] [70] stations. 1/ These stations shall fulfil the technical and operational requirements specified in the Operational Manual for Infrasound Monitoring and the International Exchange of Infrasound Data.

Page 96 (Protocol), replace para. 99 with the following:

[99. For the conduct of an on-site inspection within the area designated by the inspection mandate, the following technologies may be used:

(a) Position finding [and topographic mapping] from the air and on the surface to confirm the boundaries of the inspection area and establish co-ordinates of locations therein, in support of the inspection activities;

(b) Visual observation, video/photographic imaging and multispectral including infrared [measurements and] imaging from and under the surface, and from the air, to search for anomalies or man-made artifacts;

(c) Measurement of radioactivity in the atmosphere, on the surface, [underground], and in the water, utilizing gamma radiation monitoring and energy resolution analysis from the air, and on or under the surface, to search for and identify radiation anomalies;

(d) Environmental sampling and analysis of solids and liquids, from the surface and subsurface, and radioactive noble gases and tritium and nonradioactive gases such as CO_2, CH_4, and H_2 in the atmosphere [and under the ground, including from wells (up to 20m deep)] to detect radioisotopes or other anomalies;

(e) Thermal measurement surveys to search for surface temperature changes;

(f) Passive seismological monitoring for aftershocks to localize the search area and facilitate determination of the nature of an event; [resonance seismometry], and active seismic surveys to search for and locate underground anomalies, including cavities and rubble zones;

[(g) Magnetic field and gravitational field mapping, [ground penetrating radar], [electromagnetic sounding], and electrical conductivity measurements on the surface and from the air, as appropriate, to detect anomalies or manmade artifacts; and]

[(h) Drilling to obtain radioactive samples.] 2/, 3/

1/ The determination of a final infrasound monitoring network, which might differ from the above options, to be included as part of the IMS will depend on technical considerations and political decisions. The preparation of a listing of the stations in such a network would be without prejudice to whether or how the list will be included in the Treaty.

2/ A number of delegations consider that final agreement on the technologies and their application for OSI will require the development of a managed access regime to protect sensitive information unrelated to the purpose of the OSI.

3/ A number of delegations consider that the list of OSI technologies is without prejudice to the final agreement on the OSI phases and the corresponding application of specific technologies.

CONFERENCE ON DISARMAMENT

CD/1347
11 September 1995

ENGLISH
Original: RUSSIAN

LETTER DATED 8 SEPTEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A STATEMENT DATED 20 JULY 1995 BY THE STATE DUMA OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION CONCERNING ITS ATTITUDE TOWARDS THE RESUMPTION OF NUCLEAR TESTING BY FRANCE, AS WELL AS A STATEMENT DATED 6 SEPTEMBER 1995 BY A REPRESENTATIVE OF THE MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION CONCERNING A NUCLEAR TEST CONDUCTED BY FRANCE

I have the honour to forward to you the text of a statement dated 20 July 1995 by the State Duma of the Federal Assembly of the Russian Federation concerning its attitude towards the resumption of nuclear testing by France, as well as the text of a statement dated 6 September 1995 by a representative of the Ministry of Foreign Affairs of the Russian Federation concerning a nuclear test conducted by France.

Please take steps to have these statements distributed as an official document of the Conference on Disarmament.

(Signed) G. BERDENNIKOV
Ambassador

STATEMENT BY THE STATE DUMA CONCERNING ITS ATTITUDE TO THE RESUMPTION OF NUCLEAR TESTING BY FRANCE

(20 July 1995)

The State Duma of the Federal Assembly of the Russian Federation is extremely concerned at the statement made by French President J. Chirac regarding his plans to carry out a series of eight nuclear tests in September 1995 at Mururoa Atoll in the Pacific Ocean. As a country in the Asia-Pacific region, Russia regards such tests as dangerous in the fragile ecosystems of coral reefs.

In November 1990 Russia declared a unilateral moratorium on nuclear-weapon tests. In April 1992 France renounced nuclear testing. In the autumn of 1992 the United States and Great Britain joined the moratorium. Of the nuclear countries, only China did not join the four-Power moratorium.

By their moratorium, these four Powers are contributing to the non-proliferation of nuclear weapons among countries which are technologically ready for nuclear-weapon production and testing. It is well known that for the first 10-12 years testing is conducted in the atmosphere and underground. The resumption of such testing by other countries would lead to a new burst of radioactive contamination of the Earth.

Wisdom in politics lies not in the consistent implementation of ill-considered decisions so much as in the courage required to reconsider such decisions.

We call on the President of France and the French Parliament to renounce nuclear testing and combine their efforts with those of other countries to keep the world nuclear-free.

STATEMENT BY A REPRESENTATIVE OF THE MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

(6 September 1995)

The Ministry of Foreign Affairs of the Russian Federation expresses profound regret at the fact that, despite the serious concern which has been expressed by the entire international community, including the Russian Federation, France has nevertheless embarked on the implementation of the programme of nuclear tests scheduled for the current year.

The breach of the current moratorium applied by four nuclear Powers constitutes a serious blow to the agreements which have successfully been reached recently in the field of disarmament and the strengthening of regimes for the non-proliferation of weapons of mass destruction. The resumption of testing runs counter to the spirit of the joint decisions reached at the conference in New York and directed towards the speedy cessation of all tests by all nuclear Powers. All this, of course, cannot but further exacerbate an already complex international situation.

CONFERENCE ON DISARMAMENT

CD/1348
12 September 1995

ENGLISH
Original: SPANISH

NOTE VERBALE DATED 12 SEPTEMBER 1995 FROM THE PERMANENT MISSION OF ARGENTINA ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A STATEMENT BY THE GOVERNMENT OF ARGENTINA CONCERNING FRENCH NUCLEAR TESTING

The Permanent Mission of the Argentine Republic to the international organizations in Geneva presents its compliments to the secretariat of the Conference on Disarmament and requests it to distribute the following text as an official document on Thursday 14 September.

> "In connection with the French Government's detonation of an explosive nuclear device at Mururoa atoll on 5 September, the Argentine Government recalls that, on the occasion of the French Government's announcement of the resumption of its nuclear tests, it communicated through diplomatic channels its concern at a decision which was contrary to the Argentine position of deploring all nuclear tests of whatever origin.
>
> "Given the traditional ties of friendship which link the two countries, the Argentine Government regrets the fact that it was deemed necessary to put this decision into effect, a short time after consensus was reached on the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons.
>
> "The Argentine Government calls on the French Government to reconsider the implications of its decision. At the same time, it takes due note of the efforts being made within the European Union and the International Atomic Energy Agency, with French involvement, with a view to the adoption of appropriate steps to take account of the concerns expressed by the international community regarding these tests.
>
> "Lastly, the Argentine Government underlines the importance it attaches to the prompt conclusion of a nuclear-test-ban treaty and to the French Government's decision concerning the signature of such a treaty without reservations, on the occasion of the above-mentioned announcement. Consequently, it takes note once again of that decision, which will allow progress towards consolidation of the objectives of non-proliferation of nuclear weapons.
>
> "Buenos Aires, 6 September 1995."

CONFERENCE ON DISARMAMENT

CD/1349
13 September 1995

Original: ENGLISH

LETTER DATED 11 SEPTEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF THE PHILIPPINES ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A STATEMENT BY THE PRESIDENT OF THE PHILIPPINES, HIS EXCELLENCY FIDEL V. RAMOS, CONCERNING THE RECENT FRENCH NUCLEAR TEST

I have the honour to communicate to you the attached statement of His Excellency Fidel V. Ramos, President of the Philippines, concerning the recent French nuclear test.

I should be grateful if the above-mentioned statement could be circulated as an official document of the Conference on Disarmament.

(Signed): Lilia R. Bautista
Ambassador
Permanent Representative

STATEMENT OF
H.E. PRESIDENT FIDEL V. RAMOS OF THE PHILIPPINES
ON THE NUCLEAR TEST BY FRANCE
06 September 1995

I AM PROFOUNDLY DISAPPOINTED BY THE NEWS THAT FRANCE, IN UTTER DISREGARD OF THE CONCERN EXPRESSED BY MANY COUNTRIES AND IGNORING THE APPEALS OF THE COUNTRIES THAT STAND TO BE DIRECTLY AFFECTED BY ITS ACTION, PROCEEDED WITH ITS FIRST NUCLEAR TEST AT THE MURUROA ATOLL.

FRANCE HAS DEALT A SERIOUS BLOW TO THE CAUSE OF NUCLEAR DISARMAMENT AND HAS SEVERELY DAMAGED THE CREDIBILITY OF THE NUCLEAR NON-PROLIFERATION TREATY WHICH WAS EXTENDED INDEFINITELY LAST MAY.

THE PHILIPPINES IS COMMITTED TO NUCLEAR DISARMAMENT AND IS FIRMLY OPPOSED TO THE CONDUCT OF ANY NUCLEAR TESTS, CONSCIOUS OF THE SERIOUS MEDIUM AND LONG-TERM ENVIRONMENTAL AND HUMAN COSTS. I HAVE REPEATEDLY APPEALED TO PRESIDENT CHIRAC TO RECONSIDER AND CANCEL THE PLANNED TESTS. I AM DEEPLY SADDENED THAT HE HAS NOT HEEDED MY, AND, OTHER LEADERS' APPEAL.

FRANCE SERVED AS A BEACON WHEN IT LED OTHER NUCLEAR-WEAPONS STATES IN OBSERVING THE MORATORIUM ON NUCLEAR TESTING. NOW, FRANCE HAS DEEPLY DISILLUSIONED THE INTERNATIONAL COMMUNITY BY TURNING ITS BACK ON ITS PREVIOUS RESTRAINT AND PROCEEDING WITH THE TESTS.

THE PHILIPPINES WILL SUSTAIN ITS INITIATIVES IN LEADING THE GROUP OF 77 AT INTERNATIONAL AND REGIONAL FORA TO PROTEST NUCLEAR TESTING BY ANY NATION. WE AGAIN CALL ON FRANCE TO RESPECT INTERNATIONAL OPINION AND HEED THE CONCERNS EXPRESSED BY COUNTRIES IN THE PACIFIC RIM, WHICH ARE MOST VULNERABLE TO SUCH TESTS, BY ALTOGETHER CANCELING THE REMAINING TESTS.

CONFERENCE ON DISARMAMENT

CD/1350
15 September 1995

Original: ENGLISH

LETTER DATED 14 SEPTEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A STATEMENT BY THE PRESS SECRETARY OF THE WHITE HOUSE ON 5 SEPTEMBER 1995 CONCERNING THE NUCLEAR TEST CONDUCTED BY FRANCE ON THAT DAY

Attached is a copy of a Statement by the Press Secretary of the White House made on 5 September 1995, concerning the nuclear test conducted by France on that day.

I would be grateful if you would issue this statement as an official document of the Conference on Disarmament and distribute it to all member States and non-member participants in the work of the CD.

(Signed) Stephen J. Ledogar
Ambassador
Permanent Representative

THE WHITE HOUSE

STATEMENT BY THE PRESS SECRETARY, 5 SEPTEMBER 1995

Today, France conducted an underground nuclear test at the Mururoa test site in the South Pacific. The United States regrets this action.

All of the Nuclear Weapon States agreed at the Nuclear Non-proliferation Treaty Review and Extension Conference in New York in May 1995 to exercise "utmost restraint" in nuclear testing pending the entry into force of a Comprehensive Test Ban Treaty. We continue to urge all of the nuclear powers, including France, to refrain from further nuclear tests and to join in a global moratorium as we work to complete and sign a CTBT in 1996. In this regard, we take note of President Chirac's strong commitment to sign a CTBT banning all nuclear tests regardless of level no later than the Fall of 1996.

CONFERENCE ON DISARMAMENT

CD/1351
15 September 1995

Original: ENGLISH

LETTER DATED 14 SEPTEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF AUSTRALIA TO THE CONFERENCE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A STATEMENT BY THE AUSTRALIAN PRIME MINISTER, THE HONOURABLE P.J. KEATING MP, ISSUED ON 6 SEPTEMBER 1995, CONCERNING THE FIRST FRENCH NUCLEAR TEST

Attached is the text of a statement by the Australian Prime Minister, the Hon. P. J. Keating MP, issued on 6 September 1995, concerning the first French nuclear test.

I would be grateful if you would issue this text as an official document of the Conference on Disarmament and distribute it to all member States and non-member participants in the work of the CD.

(Signed): Richard Starr
Ambassador and Permanent Representative
for Disarmament Matters

STATEMENT BY THE AUSTRALIAN PRIME MINISTER, THE HON P J KEATING MP

From the Department of Prime Minister and Cabinet

THE FIRST FRENCH NUCLEAR TEST

The Australian Government utterly condemns France's nuclear explosion at Mururoa.

By its actions the French Government expresses its contempt for the countries and people of the region, and for all those who hope and work for a nuclear free world.

Whatever the French Government had in mind by conducting this test, it has done nothing to enhance the honour of France, and has severely damaged its international reputation.

Australia will be protesting in the strongest possible terms to France, and pressing ahead vigorously with our comprehensive program of action aimed at convincing the French Government to desist from further tests.

I have asked the Minister for Pacific Island Affairs, Mr Bilney, to convey our protest directly to the French Government during his visit to Paris later this week as leader of the Australian Parliamentary delegation on nuclear tests.

As I have said, our protests will not end with the first test. Until the tests stop, we will continue to remind the French Government that with every test they conduct, the good name of France is diminished in this part of the world.

I note reports that President Chirac has suggested the number of tests at Mururoa may be fewer than originally announced. This apparent response to international protests will not diminish our opposition to each and every nuclear test in the Pacific. We do not want fewer tests: we want no tests.

Darwin
6 September 1995

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CONFERENCE ON DISARMAMENT

CD/1352
15 September 1995

Original: ENGLISH

LETTER DATED 14 SEPTEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF AUSTRALIA TO THE CONFERENCE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A STATEMENT BY THE CURRENT CHAIRMAN OF THE SOUTH PACIFIC FORUM, THE AUSTRALIAN PRIME MINISTER, THE HONOURABLE P.J. KEATING MP, ISSUED ON 7 SEPTEMBER 1995, CONCERNING THE TESTING OF A NUCLEAR WEAPON BY FRANCE

Attached is the text of a statement by the current Chairman of the South Pacific Forum, the Australian Prime Minister, the Hon. P.J. Keating MP, issued on 7 September 1995, concerning the testing of a nuclear weapon by France. The South Pacific Forum comprises the following member States: Australia, Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Republic of Marshall Islands, Solomon Islands, Tonga, Tuvalu, Vanuatu and Western Samoa.

I would be grateful if you would issue this text as an official document of the Conference on Disarmament and distribute it to all member States and non-member participants in the work of the CD.

(Signed) Richard Starr
Ambassador and
Permanent Representative
for Disarmament matters

STATEMENT BY THE CHAIRMAN OF THE SOUTH PACIFIC FORUM, THE AUSTRALIAN PRIME MINISTER, THE HON. P.J. KEATING MP

TESTING OF A NUCLEAR WEAPON BY FRANCE

As current Chair of the South Pacific Forum, on behalf of my Forum colleagues I condemn the test of a nuclear weapon by France in the South Pacific.

France has defied the wishes of the people of the South Pacific, the appeal by the Asian nations as expressed in the recent ASEAN Regional Forum statement that called on the nuclear weapon States to bring an immediate end to testing, and the voice of an increasing part of the European and international community. The majority of the French people also oppose France's testing programme in the South Pacific.

Of particular concern to the countries of the South Pacific is the French Government's reluctance to fully address the environmental and health risks posed by the testing.

Forum leaders reiterate the calls made by South Pacific Environment Ministers in Brisbane on 17 August for:

- An immediate end to testing of nuclear weapons in the South Pacific and the closing of associated facilities, except those required for future environmental monitoring;
- France to accept full and exclusive responsibility for any adverse impacts from French testing on the South Pacific environment and people; and
- France to provide access to the international community to all French scientific data and to the testing sites themselves to enable an independent and comprehensive assessment of the effects of testing.

Forum countries call on the French Government to acknowledge the weight of opinion against nuclear testing and abandon immediately its testing programme in the South Pacific.

Forum leaders will consider nuclear testing issues as part of the South Pacific Forum meeting in Madang, Papua New Guinea, from 13-15 September.

Canberra
7 September 1995

CONFERENCE ON DISARMAMENT

CD/1353
15 September 1995

ENGLISH
Original: SPANISH

NOTE VERBALE DATED 14 SEPTEMBER 1995 FROM THE PERMANENT MISSION OF PERU ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING AN OFFICIAL COMMUNIQUE ISSUED BY THE MINISTRY OF FOREIGN AFFAIRS RELATING TO THE CONDUCT OF FRENCH NUCLEAR TESTS AT MURUROA ATOLL ON 5 SEPTEMBER

The Permanent Mission of Peru to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Conference on Disarmament and has the honour to transmit to it an official communiqué issued by the Ministry of Foreign Affairs relating to the conduct of French nuclear tests at Mururoa atoll on 5 September.

The Permanent Mission of Peru would be very grateful if the secretariat would distribute this communiqué as an official document following translation into the official languages of the United Nations.

MINISTRY OF FOREIGN AFFAIRS

OFFICIAL COMMUNIQUE NO. 15/95

1. The Government of Peru, having learned of the nuclear explosion carried out today at Mururoa atoll, deeply regrets that the French Government did not respond favourably to the international community's appeal to suspend such tests.

2. For all the South Pacific countries the conduct of the French nuclear tests represents a potential risk to the marine environment in the face of which Peru has been and will remain vigilant, in particular through our radiological safety machinery and checks coordinated with the other Pacific basin countries.

3. The Government of Peru firmly appeals once again to the French Government to suspend the remaining tests that have been announced, and in this regard is maintaining permanent contacts with the member countries of the Permanent Commission for the South Pacific (CPPS), the Rio Group and the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL).

Lima, 5 September 1995

MINISTRY OF FOREIGN AFFAIRS

PRESS OFFICE

CD/1354
15 September 1995

ENGLISH
Original: SPANISH

NOTE VERBALE DATED 14 SEPTEMBER 1995 FROM THE PERMANENT MISSION OF CHILE ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING AN OFFICIAL STATEMENT BY THE GOVERNMENT OF CHILE ON THE RESUMPTION OF FRENCH NUCLEAR TESTS

The office of the Permanent Representative of Chile to the Conference on Disarmament presents its compliments to the secretariat of the Conference and has pleasure in attaching an official statement by the Government of Chile on the resumption of French nuclear tests, with a request to distribute it as an official document of the Conference on Disarmament.

STATEMENT

The Government of Chile rejects and condemns the nuclear test carried out by France on Mururoa Atoll yesterday despite worldwide protests.

This explosion, the first in a series being carried out by France, added to those conducted by the People's Republic of China, has interrupted a long period during which the world was spared this type of test, which appeared to have been left behind by the new approaches to international security.

Chile is firmly resolved to condemn each further test, convinced as it is that they represent a backward step politically in the dynamics of nuclear disarmament and in the banning of nuclear tests once and for all. These tests also involve potential irreparable consequences for the health and safety of the populations of the neighbouring countries in the Pacific, their living resources and their environment.

In the same way, the Government of Chile endorses the initiative taken by the Council of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) in reaching agreement on a joint strategy with the members of the Consultative Committee of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) at the forthcoming fiftieth session of the United Nations General Assembly, with the aim of securing the adoption of an immediate moratorium on all nuclear tests.

As a sign of its displeasure, the Government has recalled the Chilean Ambassador in France for consultations.

The Government of Chile urgently calls on the French Government to reconsider its decision to pursue this programme of tests.

Santiago, 6 September 1995.

CONFERENCE ON DISARMAMENT

CD/1355
20 September 1995

ENGLISH
Original: SPANISH

NOTE VERBALE DATED 15 SEPTEMBER 1995 FROM THE PERMANENT MISSION OF ECUADOR ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE RELEVANT PARAGRAPHS CONTAINED IN THE DECLARATION MADE BY THE NINTH SUMMIT MEETING OF HEADS OF STATE AND GOVERNMENT OF THE RIO GROUP, ADOPTED IN QUITO ON 5 SEPTEMBER 1995

The Permanent Mission of Ecuador to the European Office of the United Nations and other international organizations in Geneva presents its compliments to Ambassador Mohamed Nacer Benjelloun-Touimi, President of the Conference on Disarmament, and in its capacity as Coordinator of the Troika of the Rio Group has the honour to attach the relevant paragraphs concerning disarmament contained in the Declaration made by the ninth summit meeting of heads of State and Government of the Rio Group, adopted in Quito on 5 September 1995.

The Permanent Mission of Ecuador requests the President of the Conference on Disarmament to arrange for this communication to be included among the official documents of the Conference.

As leaders of countries in Latin America and the Caribbean, the first nuclear-weapon-free zone, we place on record our profound concern at and rejection of the resumption of nuclear tests by the People's Republic of China and the decision of the French Government to resume testing in the Pacific, a geographical area of which the majority of the member countries of the Rio Group form part. In view of the fact that these actions affect the environment for the pursuit of the negotiations on the comprehensive nuclear-test-ban treaty, we urgently call on the Governments of all States that possess this type of weapon to suspend all nuclear testing through unilateral or agreed moratoriums, in order to speed up the negotiation of a multilateral, effectively verifiable treaty for the complete prohibition of nuclear tests.

We endorse the decision taken by the Council of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) to hold a meeting with the members of the Consultative Committee of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) for the purpose of agreeing on a joint strategy to secure the adoption by the United Nations General Assembly at its fiftieth regular session of an immediate moratorium on all nuclear tests.

We urge those countries that have not yet done so to promptly sign and ratify the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. We have decided to work together for the strengthening of the biological weapons Convention through the adoption of appropriate measures. We also express our willingness to cooperate in promoting transparency in international arms transfers and in defence expenditure and defence budgets.

CONFERENCE ON DISARMAMENT

CD/1356
21 September 1995

Original: ENGLISH

DECISION ON EXPANSION OF MEMBERSHIP OF THE CONFERENCE

(Adopted at the 719th plenary meeting on 21 September 1995)

The Conference on Disarmament, bearing in mind General Assembly Resolution 49/77 B of 15 December 1994, decides to adopt the report (CD/1214) of the then-Special Coordinator for Membership, Ambassador Paul O'SULLIVAN of Australia, presented at the 660th plenary meeting of the Conference on 12 August 1993, and the recommended composition of the Conference on Disarmament attached to it. It is understood that, in accordance with the statement made by the then-Special Coordinator for Membership at the 663rd plenary meeting of the Conference on 26 August 1993, this decision is in conformity with rule two of the Rules of Procedure of the Conference which provides that "the membership of the Conference will be reviewed at regular intervals", and without prejudice to the consideration of the other candidatures to date.

Accordingly, Austria, Bangladesh, Belarus, Cameroon, Chile, Colombia, Democratic People's Republic of Korea, Finland, Iraq, Israel, New Zealand, Norway, Republic of Korea, Senegal, Slovakia, South Africa, Spain, Switzerland, Syrian Arab Republic, Turkey, Ukraine, Viet Nam and Zimbabwe, will all assume together membership of the Conference at the earliest possible date to be decided by the Conference.

The Conference will review the situation following the presentation of progress reports by the President on on-going consultations at the end of each part of its annual session.

CONFERENCE ON DISARMAMENT

CD/1357
22 September 1995

Original: ENGLISH

LETTER DATED 21 SEPTEMBER 1995 FROM THE DEPUTY HEAD OF THE DELEGATION OF SRI LANKA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF THE STATEMENT BY THE HEAD OF DELEGATION AT THE 719TH PLENARY MEETING OF THE CONFERENCE ON 21 SEPTEMBER 1995 CONCERNING RECENT NUCLEAR TESTS

I have the honour to refer to the intervention of my Ambassador concerning the recent nuclear tests carried out by two nuclear-weapon States, which was made during the 719th plenary meeting of the Conference on Disarmament on 21 September 1995.

I should be grateful if you would kindly ensure that the attached part of this intervention could be produced as an official document of the Conference on Disarmament and distributed to all member States and non-member participants in the work of the CD.

(Signed) W.P.R.B. Wickremasinghe
Minister
Deputy Head of Delegation

Sri Lanka notes with deep concern, the two nuclear-weapon test explosion carried out on 17 August and 5 September by two nuclear-weapon States. The sentiments expressed, both individually and collectively, by the international community following the recent tests, reflect the strong opposition to such tests, for they vitiate the current favourable international political and security climate.

Sri Lanka believes that such tests are neither desirable nor do they help enhance the confidence indispensable to the on-going CTBT negotiations which are in their final stage.

In this context, Sri Lanka wishes to remind the nuclear weapon States of their undertaking given at the fifth NPT Review and Extension Conference, inter alia, to exercise "utmost restraint" in nuclear weapons testing.

Sri Lanka would, therefore, urge them to refrain from any action that could adversely affect the conditions conducive to the expeditious conclusion of the CTBT negotiations.

CONFERENCE ON DISARMAMENT

CD/1358
22 September 1995

Original: ENGLISH

STATEMENT OF THE GROUP OF 21 ON NUCLEAR WEAPON TEST EXPLOSIONS

1. The Group of 21 recalls its previous statement contained in document CD/1329 (CD/NTB/WP.248) of 30 June 1995, wherein the Group had clarified its principled position on nuclear-weapon tests.

2. Consistent with its principled position as clearly stated in the aforementioned document, the Group of 21 reiterates its concern on the two nuclear-weapon test explosions recently conducted by two nuclear-weapon States. Such tests could undermine the multilateral negotiations currently in progress at the Conference on Disarmament for the successful conclusion of a comprehensive nuclear-test-ban treaty. The States parties to the NPT of the Group of 21 are of the view that such nuclear testing runs counter to the decisions adopted at the 1995 NPT Review and Extension Conference.

3. The Group of 21 reiterates its earlier calls and those of the international community upon the nuclear-weapon States to eschew nuclear testing in the interest of the CD's ongoing multilateral negotiations aimed at concluding a universal, non-discriminatory and effectively verifiable comprehensive nuclear-test-ban treaty no later than the fall of 1996.

CD/1359
22 September 1995

Original: ENGLISH

STATEMENT OF THE GROUP OF 21 ON THE AGENDA AND ORGANIZATION OF WORK FOR THE 1995 SESSION OF THE CONFERENCE ON DISARMAMENT

1. The Group of 21 recalls that at the outset of the 1995 session, the Conference on Disarmament had provisionally adopted its 1994 agenda for 1995, pending agreement on the review of the agenda. The Conference had also agreed, without prejudice to any future decisions on the organizational framework of the other items, to begin its work immediately on a "Nuclear Test Ban".

2. During 1995, considerable and encouraging progress has been made in the negotiations relating to the CTBT. These negotiations must be concluded as soon as possible in 1996.

3. Unfortunately, the CD was unable to establish other Ad Hoc Committees, as well as appoint Special Coordinators on the review of the agenda, expansion of CD's membership, and CD's improved and effective functioning, in spite of extensive efforts made by the G-21.

4. The Group of 21 recalls that in the discussions within the CD it has consistently pressed for the inclusion of an independent item on the CD agenda and commencement of negotiations on the item on nuclear disarmament which has been accorded the highest priority by the international community.

5. The Group of 21 requests that at the outset of the CD's 1996 session, the Ad Hoc Committee on a Nuclear Test Ban be re-established in order to conclude CTBT negotiations by the middle of the session. The Group also urges the establishment, on a priority basis, of an Ad Hoc Committee on Nuclear Disarmament in the beginning of 1996, and a balanced consideration of all other outstanding issues on the CD's agenda.

CONFERENCE ON DISARMAMENT

CD/1360
22 September 1995

Original: ENGLISH

AUSTRIA, BANGLADESH, BELARUS, CAMEROON, CHILE, COLOMBIA,
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, FINLAND, IRAQ, ISRAEL,
NEW ZEALAND, NORWAY, REPUBLIC OF KOREA, SENEGAL, SLOVAKIA,
SOUTH AFRICA, SPAIN, SWITZERLAND, SYRIA, TURKEY, UKRAINE,
VIET NAM AND ZIMBABWE

Statement on the issue of expansion of membership of the Conference

The urgent need to expand the membership of the Conference on Disarmament has been recognized by the United Nations General Assembly in resolution 49/77B. We therefore welcome the Conference's decision today to adopt the report of Ambassador Paul O'Sullivan, Special Coordinator for Expansion during the Conference's 1993 session, in which he recommended an expansion of the Conference's membership to include our countries. In doing so we wish to pay special tribute to you, Mr. President. Your skill and determination have brought about this result, and we are grateful to you for your efforts on our behalf.

We regret, nevertheless, that the Conference has been unable to reach a consensus which would result in the immediate acceptance of all our countries as full members, in accordance with General Assembly resolution 49/77B. This must continue to be the Conference's urgent goal. We therefore call on the Conference to make every effort to ensure that our countries gain full membership at the earliest possible date, and in any case no later than 1996. Until that time, we look forward to the fullest possible cooperation with members on all questions with which the Conference is tasked.

CONFERENCE ON DISARMAMENT

CD/1361
22 September 1995

Original: ENGLISH

LETTER DATED 20 SEPTEMBER 1995 FROM THE PERMANENT REPRESENTATIVE OF UKRAINE ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE STATEMENT BY THE MINISTRY OF FOREIGN AFFAIRS OF UKRAINE CONCERNING RESUMPTION OF NUCLEAR TESTS BY FRANCE

I have the honour to forward to you the text of the Statement of the Ministry of Foreign Affairs of Ukraine of 15 September 1995 concerning resumption of the nuclear tests by France.

Could you, please, take the appropriate steps to register this document as an official document of the Conference on Disarmament, and to have it distributed to all member States and non-member States delegations taking part in the work of the Conference.

(Signed): Olexander Slipchenko
Ambassador
Permanent Representative
of Ukraine
Head of delegation

Statement by the Ministry of Foreign Affairs of Ukraine

The Ministry of Foreign Affairs of Ukraine expresses its deep concern at the fact that on 5 September 1995 France carried out the first of a series of nuclear tests in the Southern Pacific.

Realization of the intention to resume nuclear tests cannot but cause anxiety on the part of Ukraine, especially in the light of the decisive steps taken by its Government in the field of nuclear disarmament.

In adopting a principled decision to acquire a non-nuclear status our State has hoped that other countries would take its example into consideration.

Ending the moratorium and resumption of the tests do not correspond to the agreement reached at the 1995 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review and Extension Conference as to the exercise of the "utmost restraint" by the nuclear States. Such actions would not contribute as well to the strengthening of the international regime of the non-proliferation of nuclear weapons.

Actions of this kind might call into question success of the process of negotiations on concluding the Comprehensive Nuclear Test Ban Treaty, which would, in its turn, slow down implementation of other measures in the field of nuclear disarmament.

Ukraine calls upon France again to reconsider its decision on nuclear tests and, in conjunction with other nuclear States, make systematic efforts in order to achieve the complete ban on nuclear tests, as soon as possible.

15 September 1995

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CONFERENCE ON DISARMAMENT

CD/1362
22 September 1995

Original: ENGLISH

UNITED STATES OF AMERICA

Proposal on expansion of membership of the Conference

In light of the affirmative action taken on 21 September 1995 on CD/1356 and with particular reference to the provisions contained in paragraph 2 of said document; the Conference decides that Austria, Bangladesh, Belarus, Cameroon, Chile, Colombia, Democratic People's Republic of Korea, Finland, Iraq, Israel, New Zealand, Norway, Republic of Korea, Senegal, Slovakia, South Africa, Spain, Switzerland, Syrian Arab Republic, Turkey, Ukraine, Viet Nam and Zimbabwe, will all assume together membership of the Conference as of midnight today, _________ .

Noting that all members of the Conference on Disarmament, as well as members of the United Nations, should respect the resolutions adopted by the Security Council, the Conference on Disarmament hereby also decides, as an integral and indivisible part of the decision in the above paragraph, that in the case where one of its members is subject to comprehensive enforcement measures taken by the Security Council under chapter VII of the Charter, that State would not have the right to deny consensus on any decision to be adopted by the Conference pending a subsequent decision to the contrary.

CONFERENCE ON DISARMAMENT

CD/1363
22 September 1995

Original: ENGLISH

SLOVAKIA

Statement on expansion of membership of the Conference

The Slovak Republic notes the adoption by the Conference on Disarmament of the decision concerning the issue of the expansion of the Conference. Slovakia regrets that the decision was not followed by the second step namely immediate admission of the candidate countries.

Slovakia therefore wishes to reiterate that it considers the adopted decision to be without prejudice to its request to fill in the vacant seat left by the former Czech and Slovak Federal Republic. The claim of the Slovak Republic is a specific one. It does not constitute an issue of the CD expansion but a request for retaking a liberated seat.

Slovakia urges the Conference to adopt the decision, which would bring the whole issue to an end not later than by the beginning of the year 1996.

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